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STATE OF NORTH DAKOTA.

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JOURNAL OF THE SENATE

OF THE

SECOND

LEGISLATIVE ASSEMBLY

BEGUN AND HELD

AT THE CAPITOL AT BISMARCK,

JANUARY 6, 1891, TO MARCH 6, 1891.

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BISMARCK, N. D.:  
TRIBUNE, STATE PRINTERS AND BINDERS.  
1891.



# MEMBERS AND OFFICERS

OF THE

## SENATE OF NORTH DAKOTA

FOR THE

### SECOND LEGISLATIVE ASSEMBLY, 1891.

#### MEMBERS.

District.	NAME.	Where Born.	Nationality.	Occupation.	Came to State.	Age.
3	Almen, John M., <i>r</i> .....	Sweden.	Swede.	Farmer.	1878	40
5	*Arnold, Horace F., <i>r</i> .....	Connecticut,	American,	Journalist,	1860	33
18	Bidlake, John, <i>d</i> .....	England,	English,	Merchant,	1861	32
19	Bisbee, Andrew, <i>r</i> .....	Maine,	American,	Farmer,	1868	52
7	Bjergo, John, <i>d</i> .....	Norway,	Norwegian,	Farmer & Merchant,	1861	38
2	*Brynjolfson, S. B., <i>d</i> .....	Iceland,	Icelandic,	Farmer,	1862	30
4	Cashel, John L., <i>r</i> .....	New York,	American,	Bank Cashier,	1861	42
16	Enger, Pinal, <i>r</i> .....	Norway,	Norwegian,	Farmer,	1871	44
14	Engle, Matthias L., <i>d</i> .....	New York,	American,	Farmer,	1861	47
28	Fuller, Bailey W., <i>r</i> .....	Vermont,	American,	Real Estate,	1861	48
9	Haggart, John E., <i>r</i> .....	New York,	American,	Farmer,	1871	44
12	Ink, Rolla N., <i>r</i> .....	Ohio,	American,	Farmer,	1879	34
29	Johnson, James, <i>r</i> .....	Dennmark,	Dane,	Real Estate & Law'r,	1862	40
8	Johnson, Roderick J., <i>r</i> .....	Nova Scotia,	Scotch,	Farmer,	1878	40
24	*Kinter, Foster M., <i>d</i> .....	Pennsylvania,	American,	Merchant,	1862	61
25	Kuhn, David P., <i>r</i> .....	Pennsylvania,	American,	Merchant,	1868	28
1	La Moure, Judson, <i>r</i> .....	Canada,	French-Irish,	Merchant,	1860	51
27	Little, Clarence B., <i>r</i> .....	N. Hampshire,	American,	Lawyer,	1862	33
11	Lowry, Andrew H., <i>r</i> .....	New York,	American,	Merchant,	1879	37
21	*McGillivray, Alex. C., <i>r</i> .....	Ontario, Can.,	Canadian,	Merchant,	1863	31
6	McCormack, M. L., <i>d</i> .....	Pennsylvania,	American,	Banker,	1871	45
21	McCormick, James, <i>r</i> .....	Ireland,	Irish,	Farmer,	1868	33
30	Miller, Jos. L., <i>r</i> .....	Germany,	German,	Farmer,	1861	44
13	Nelson, Magnus, <i>f. a</i> .....	Norway,	Norwegian,	Farmer,	1860	42
20	*Palmer, Frank, <i>r</i> .....	Ohio,	American,	Merchant,	1868	48
22	Patch, James M., <i>d</i> .....	Ohio,	American,	Hotel,	1868	50
10	Pinkham, Nathum B., <i>r</i> .....	Maine,	American,	Farmer,	1871	48
26	*Svensrud, Anton, <i>r</i> .....	Iowa,	American,	Farmer,	1864	28
17	Svennungsen, S., <i>f. a</i> .....	Norway,	Norwegian,	Minister,	1868	47
15	Weiser, Joel S., <i>r</i> .....	Pennsylvania,	American,	Farmer,	1867	46
26	Worst, John H., <i>r</i> .....	Ohio,	American,	Farmer,	1868	40

\* Single.

† Widower.

*r* Republican.

*d* Democrat.

*f. a* Farmers' Alliance.



## OFFICERS.

*President*—LIEUT. GOV. ROGER ALLIN, Grafton, Walsh County.  
*President Pro Tempore*—N. B. PINKHAM, Fargo, Cass County.  
*Chaplain*—S. E. RYAN, Bismarck, Burleigh County.  
*Secretary*—C. C. BOWSFIELD, Ellendale, Dickey County.  
*Assistant Secretary*—FRED. FAILEY, Wahpeton, Richland County.  
*Sergeant-at-Arms*—ARNE P. HAUGEN, Grand Forks, Grand Forks County.  
*Enrolling and Engrossing Clerk*—I. D. MCGAHAN, Minot, Ward County.  
*Assist. Enrolling and Engrossing Clerk*—T. E. WARNER, Cooperstown, Griggs County.  
*Stenographer*—R. M. TUTTLE, Mandan, Morton County.  
*Bill Clerk*—W. D. MCCLINTOCK, Towner, McHenry County.  
*Journal Clerk*—MISS A. NELSON, Pembina, Pembina County.  
*Clerk of Judiciary Committee*—D. S. DODDS, Lakota, Nelson County.  
*Messenger*—LYMAN BRANDT, Grafton, Walsh County.  
*Postmaster*—J. D. SMITH, Forman, Sargent County.  
*Doorkeeper*—J. W. SCOTT, Casselton, Cass County.  
*Watchman*—E. BACHE, Valley City, Barnes County.  
*Janitor*—JOHN LITTLE, Bismarck, Burleigh County.

# Journal of the Senate.

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## SECOND SESSION.

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### FIRST DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 6, 1891.

At the hour of 12 o'clock meridian, on Tuesday, the 6th day of January, 1891, being the day and hour designated by law for the assembling of the Legislative Assembly of the State of North Dakota, the members-elect of the Senate for the Second Session of the Legislative Assembly of the State of North Dakota, assembled in the Senate Chamber of the Capitol in Bismarck, and were called to order by C. C. Bowsfield, Secretary of the First Session of the Senate, who introduced Lieutenant-Governor Rodger Allin as the President of the Senate.

The Lieutenant-Governor assumed the office of President of the Senate.

After prayer by the Rev. S. E. Ryan, the roll was called and the following members-elect responded to their names:

From the —

First District—Judson LaMoure.

Second District—J. B. Brynjolfson.

Third District—John Almen.

Fourth District—J. L. Cashel.

Fifth District—H. F. Arnold.

Sixth District—M. L. McCormack.

Seventh District—John Bjorgo.

Eighth District—Roderick Johnson.

Ninth District—John Haggart.  
Tenth District—N. B. Pinkham.  
Eleventh District—A. H. Lowry.  
Twelfth District—R. N. Ink.  
Thirteenth District—Magnus Nelson.  
Fourteenth District—M. L. Engle.  
Fifteenth District—J. S. Weiser.  
Sixteenth District—F. G. Enger.  
Seventeenth District—S. Svennungsen.  
Eighteenth District—John Bidlake.  
Nineteenth District—Andrew Bisbee.  
Twentieth District—Frank Palmer.  
Twenty-First District—James McCormick.  
Twenty-Second District—J. M. Patch.  
Twenty-Third District—Bailey Fuller.  
Twenty-Fourth District—F. M. Kinter.  
Twenty-Fifth District—David P. Kuhn.  
Twenty-Sixth District—J. H. Worst.  
Twenty-Seventh District—C. B. Little.  
Twenty-Eighth District—Anton Svensrud.  
Twenty-Ninth District—James Johnson.  
Thirtieth District—Joseph Miller.  
Thirty-First District—A. C. McGillivray.

The oath of office was administered to the Senators-elect by the Honorable W. S. Lauder, Judge of the Fourth Judicial District.

Mr. Little moved

That the rules of the last Senate be adopted so far as consistent for the regulation of the Senate until the report of the Committee on Rules be received,

Which motion prevailed.

Mr. McCormick of Ramsey moved

That the Senate now proceed to the election of officers,  
Which motion prevailed.

Mr. Cashel nominated N. B. Pinkham for President pro tem.

Mr. Little nominated J. H. Worst for president pro tem.

There being no further nominations, the roll was called.

Those voting for Mr. Pinkham were:

Messrs. Almen, Arnold, Brynjolfson, Bidlake, Cashel, Engle, Enger, Ink, Johnson of Traill, Johnson of Ward, Kinter, Kuhn,

McCormick, Nelson, Palmer, Patch, Svennungsens, Svensrud, Weiser—18.

Those who voted for Mr. Worst were:

Messrs. Bjorgo, Bisbee, Fuller, Haggart, LaMoure, Lowry, Little, McCormack, Miller, McGillivray—10.

Messrs. Pinkham and Worst not voting.

Mr. Pinkham having received a majority of all the votes cast was declared duly elected President pro tem.

Mr. LaMoure nominated C. C. Bowsfield for Secretary of the Senate.

There being no further nominations the roll was called.

Those voting for Mr. Bowsfield were:

Messrs. Almen, Arnold, Brynjolfson, Bjorgo, Bidlake, Bisbee, Cashel, Enger, Fuller, Haggart, Ink, Johnson of Traill, Johnson of Ward, Kinter, Kuhn, LaMoure, Lowry, Little, McCormack, McCormick, Miller, McGillivray, Nelson, Pinkham, Palmer, Patch, Svennungsens, Svensrud, Weiser, Worst—30.

Mr. Engle voted no.

Mr. Bowsfield having received a majority of all the votes cast was declared duly elected Secretary of the Senate.

Mr. Worst nominated P. J. McClory for Assistant Secretary.

Mr. Ink nominated Fred Falley for Assistant Secretary.

Those who voted for Mr. McClory were:

Messrs. Bjorgo, Bisbee, Engle, Fuller, Haggart, LaMoure, Lowry, Little, McCormack, Miller, McGillivray, Palmer, Worst—13.

Those who voted for Mr. Falley were:

Messrs. Almen, Arnold, Brynjolfson, Bidlake, Cashel, Enger, Ink, Johnson of Traill, Johnson of Ward, Kinter, Kuhn, McCormick, Nelson, Pinkham, Patch, Svennungsens, Svensrud, Weiser—18.

Mr. Falley having received a majority of all the votes cast was declared duly elected Assistant Secretary of the Senate.

Mr. Johnson of Ward nominated L. D. McGahan for Engrossing and Enrolling Clerk.

There being no other nomination the roll was called.

Those who voted for Mr. McGahn were:

Messrs. Almen, Arnold, Brynjolfson, Bidlake, Bisbee, Cashel, Enger, Fuller, Haggart, Ink, Johnson of Traill, Johnson of Ward, Kinter, Kuhn, LaMoure, Lowry, Little, McCormack, McCormick, Miller, McGillivray, Nelson, Pinkham, Palmer, Patch, Svennungsens, Svensrud, Weiser, Worst—29.

Mr. Engle voted no.

Mr. Bjorgo not voting.

Mr. McGahan having received a majority of all the votes cast was declared duly elected as Engrossing and Enrolling Clerk.

Mr. LaMoure nominated T. E. Warner for Assistant Engrossing and Enrolling Clerk.

There being no other nomination, the roll was called.

Those voting for Mr. Warner were:

Messrs. Almen, Arnold, Bjorgo, Bidlake, Bisbee, Cashel, Engle, Enger, Fuller, Haggart, Ink, Johnson of Traill, Johnson of Ward, Kinter, Kuhn, LaMoure, Lowry, Little, McCormack, McCormick, Miller, McGillivray, Nelson, Pinkham, Palmer, Patch, Svennungsen, Svensrud, Weiser and Worst—30.

Mr. Bynjolfson being absent and not voting.

Mr. Warner having received a majority of all the votes cast, was declared elected Assistant Engrossing and Enrolling Clerk.

Mr. Svensrud nominated W. D. McClintock for Bill Clerk.

There being no other nominations, the roll was called.

Those voting for Mr. McClintock were:

Messrs. Almen, Arnold, Brynjolfson, Bjorgo, Bidlake, Bisbee, Cashel, Engle, Enger, Fuller, Haggart, Ink, Johnson of Traill, Johnson of Ward, Kinter, Kuhn, LaMoure, Lowry, Little, McCormack, McCormick, Miller, McGillivray, Nelson, Pinkham, Palmer, Patch, Svennungsen, Svensrud, Weiser and Worst—31.

Mr. McClintock having received a majority of all the votes cast, was declared duly elected Bill Clerk.

Mr. LaMoure nominated R. M. Tuttle for Stenographer.

There being no other nominations, the roll was called.

Those voting for Mr. Tuttle were:

Messrs. Almen, Arnold, Brynjolfson, Bjorgo, Bidlake, Bisbee, Cashel, Engle, Enger, Fuller, Haggart, Ink, Johnson of Traill, Johnson of Ward, Kinter, Kuhn, LaMoure, Lowry, Little, McCormack, Miller, McGillivray, Nelson, Pinkham, Palmer, Patch, Svennungsen, Svensrud, Weiser, Worst—30.

Mr. McCormack being absent.

Mr. Tuttle having received a majority of all the votes cast was declared elected Stenographer.

Mr. Arnold nominated A. P. Haugen for Sergeant-at-Arms.

There being no other nominations the roll was called.

Those voting for Mr. Haugen were:

Messrs. Almen, Arnold, Brynjolfson, Bisbee, Cashel, Engle, Enger, Fuller, Haggart, Ink, Johnson of Traill, Johnson of Ward, Kinter, Kuhn, LaMoure, Lowry, Little, McCormick, Miller, McGillivray, Nelson, Pinkham, Palmer, Patch, Svennungsen, Svensrud, Weiser, Worst—28.

Absent and not voting:

Messrs. Bjorgo, Bidlake, McCormack 3.

Mr. Haugen having received a majority of all the votes cast was declared elected Sergeant-at-Arms.

Mr. Pinkham nominated J. W. Scott for Doorkeeper.

There being no other nominations, the roll was called.

Those voting for Mr. Scott were:

Messrs. Almen, Arnold, Brynjolfson, Bjorgo, Bidlake, Bisbee, Cashel, Engle, Enger, Fuller, Haggart, Ink, Johnson of Traill, Johnson of Ward, Kinter, Kuhu, Lowry, Little, McCormack, McCormick, Miller, McGillivray, Nelson, Pinkham, Palmer, Patch, Svennungsen, Svensrud, Weiser, Worst—30.

Mr. LaMoure being absent.

Mr. Scott having received a majority of all the votes cast was declared elected Doorkeeper.

Mr. Almen nominated Lyman Brandt for Messenger.

Mr. Bisbee nominated Bert Hill for Messenger.

There being no other nominations, the roll was called.

Those voting for Mr. Brandt were:

Messrs. Almen, Arnold, Brynjolfson, Cashel, Engle, Enger, Ink, Johnson of Traill, Johnson of Ward, Kinter, Kuhn, McCormick, Nelson, Pinkham, Palmer, Patch, Svennungsen, Svensrud, Weiser—19.

Those voting for Mr. Hill were:

Messrs. Bjorgo, Bidlake, Bisbee, Fuller, Haggart, Lowry, Little, McCormack, Miller, McGillivray, Worst—11.

Mr. LaMoure being absent.

Mr. Brandt having received a majority of all the votes cast was declared elected Messenger.

Mr. Nelson nominated J. D. Smith for Postmaster.

There being no other nominations, the roll was called.

Those voting for Mr. Smith were:

Messrs. Almen, Arnold, Brynjolfson, Bjorgo, Bidlake, Bisbee, Cashel, Engle, Enger, Fuller, Haggart, Ink, Johnson of Traill, Johnson of Ward, Kinter, Kuhn, Lowry, McCormack, McCormick, Miller, McGillivray, Nelson, Pinkham, Palmer, Patch, Svennungsen, Swensrud, Weiser, Worst—29.

Messrs. LaMoure and Little being absent and not voting.

Mr. Smith having received a majority of all the votes cast was declared elected Postmaster.

Mr. Almen nominated S. E. Ryan for Chaplain.

There being no other nominations, the roll was called.



Those voting for Mr. Ryan were:

Messrs. Almen, Arnold, Brynjolfson, Bjorgo, Bidlake, Bisbee, Cashel, Engle, Enger, Fuller, Haggart, Ink, Johnson of Trail, Johnson of Ward, Kinter, Kuhn, Lowry, McCormack, McCormick, Miller, McGillivray, Nelson, Pinkham, Palmer, Patch, Svennungsen, Svensrud, Weiser, Worst—29.

Messrs. LaMoure and Little being absent and not voting.

Mr. Ryan having received a majority of all the votes cast, was declared elected Chaplain.

Mr. Worst nominated John Little for Janitor.

There being no other nominations, the roll was called.

Those voting for Mr. Little were:

Messrs. Almen, Arnold, Brynjolfson, Bjorgo, Bidlake, Bisbee, Cashel, Engle, Enger, Fuller, Ink, Johnson of Traill, Johnson of Ward, Kinter, Kuhn, Lowry, McCormick, Miller, McGillivray, Nelson, Pinkham, Palmer, Patch, Svennungsen, Svensrud, Weiser, Worst—27.

Absent and not voting:

Messrs. Haggart, LaMoure, Little and McCormack.

Mr. Little having received a majority of all the votes cast, was declared elected Janitor.

Mr. Weiser nominated E. Bache for Watchman.

There being no other nominations, the roll was rolled.

Those voting for Mr. Bache were:

Messrs. Almen, Arnold, Brynjolfson, Bjorgo, Bidlake, Bisbee, Cashel, Engle, Enger, Fuller, Ink, Johnson of Traill, Johnson of Ward, Kinter, Kuhn, Lowry, McCormick, Miller, McGillivray, Nelson, Pinkham, Palmer, Patch, Svennungsen, Svensrud, Weiser, Worst—27.

Absent and not voting:

Messrs. Haggart, LaMoure, Little and McCormack.

Mr. Bache having received a majority of all votes cast was declared elected Watchman.

Mr. Svensrud nominated D. S. Dodds for Clerk of the Judiciary Committee.

There being no other nominations, the roll was called.

Those who voted for Mr. Dodds were:

Messrs. Almen, Arnold, Brynjolfson, Bjorgo, Bidlake, Bisbee, Cashel, Engle, Enger, Ink, Johnson of Traill, Johnson of Ward, Kinter, Kuhn, Lowry, McCormick, Miller, McGillivray, Nelson, Pinkham, Palmer, Patch, Svennungsen, Svensrud, Weiser, Worst—26.

Absent and not voting:

Messrs. Fuller, Haggart, LaMoure, Little and McCormack.

Mr. Dodds having received a majority of all the votes cast was declared elected Clerk of the Judiciary Committee.

Mr. Ink nominated Miss A. Nelson for Journal Clerk.

There being no other nominations the roll was called.

Those voting for Miss Nelson were:

Messrs. Almen, Arnold, Brynjolfson, Bjorgo, Bidlake, Bisbee, Cashel, Engle, Enger, Ink, Johnson of Traill, Johnson of Ward, Kinter, Kuhn, Lowry, Little, McCormick, Miller, Nelson, Pinkham, Palmer, Patch, Svennungsen, Svensrud, Weiser, Worst—26.

Absent and not voting:

Messrs. Fuller, Haggart, LaMoure, McCormack and McGillivray.

Miss Nelson having received a majority of all votes cast was declared elected Journal Clerk.

Mr. Worst nominated B. S. Payne for Page.

Mr. McCormick of Ramsey nominated James McCormack for Page.

Mr. Almen nominated Robbins Anderson for Page.

There being no other nominations the roll was called.

Those voting for B. S. Payne were:

Messrs. Arnold, Brynjolfson, Bjorgo, Bidlake, Bisbee, Engle, Fuller, Haggart, Ink, Johnson of Traill, Johnson of Ward, Kinter, Kuhn, LaMoure, Lowry, Little, McCormack, Miller, McGillivray, Nelson, Pinkham, Palmer, Patch, Svennungsen, Svensrud, Weiser, Worst—28.

Those voting for James McCormack were:

Messrs. Almen, Brynjolfson, Bidlake, Bisbee, Cashel, Engle, Fuller, Haggart, Ink, LaMoure, Lowry, McCormack, McCormick, Miller, McGillivray, Nelson, Palmer, Patch, Svennungsen, Weiser Worst—21.

Those voting for Robbins Anderson were:

Messrs. Almen, Arnold, Bjorgo, Cashel, Enger, Johnson of Traill, Johnson of Ward, Kinter, Kuhn, Little, McCormick, Pinkham, Svensrud—13.

B. S. Payne and James McCormack having received the majority of all the votes cast were declared elected as Pages.

Mr. Haggart moved that B. Lewis be appointed as an additional Page for the session,

Which motion prevailed.

Mr. Worst moved

That each Senator occupy the seat he now holds,

Which motion prevailed.

Mr. Pinkham moved

That a committee of three be appointed to inform the Gov-

error and the House of Representatives that the Senate is organized and ready to receive any message they may have to communicate,

Which motion prevailed.

Messrs. Pinkham, Kinter and Worst were appointed as such committee.

Mr. Ink moved

That the President appoint a committee of seven on rules,

Which motion prevailed, and

Messrs. Ink, Cashel, Johnson of Traill, Weiser, Kuhn, Johnson of Ward and Nelson were appointed as such committee.

The committee appointed to wait on the Governor and House of Representatives, then made the following report:

MR. PRESIDENT:

We have waited on His Excellency, the Governor, and he informs us he will be ready to deliver his message at 3 o'clock to-morrow. We also waited on the House and found them not prepared to receive any message.

N. B. PINKHAM,  
F. M. KINTER,  
J. H. WORST.

Which report was accepted and the committee discharged.

Mr. Little moved

That the Senate do now adjourn till 2 p. m. to-morrow,

Which motion prevailed, and

The President announced the senate adjourned.

C. C. BOWSFIELD,  
Secretary.

SECOND DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 7, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Senators Bidlake, Engle, Fuller, McCormack of Grand Forks and McGillivray, who were excused.

The Journal of the preceding day was read.

Mr. LaMoure moved

That the Journal be amended by adding the following motion thereto:

*Resolved*, That the rules of the last Senate be adopted to govern the deliberations of the Senate until such time as permanent rules are adopted.

Which motion prevailed, and

The Journal as amended was approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, {  
January 6, 1891. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House of Representatives of the State of North Dakota for the Second Legislative Session has been organized with the following officers, and is now ready for the transaction of business:

Speaker—W. B. Allen.

Chief Clerk—J. G. Hamilton.

Assistant—E. H. Sanford.

Enrolling and Engrossing Clerk—W. A. Kelly.

Bill Clerk—H. E. Lavayea.  
Sergeant-at-Arms—Gunder Olson.  
Doorkeeper—Thomas Morgan.  
Messenger—E. R. Kennedy.  
Postmaster—Arni Golburg.  
Stenographer—Miss Addie Knapp.  
Clerk of the Judiciary Committee—W. H. Bratton.  
Chaplain—Rev. Geo. S. Kline.  
Pages—W. H. Conroy, Gilbert Haggart, Joel Bates and John Peterson.

J. G. HAMILTON,  
Chief Clerk.

A committee from the House notified the Senate that the House was ready to receive the Senate in joint session to hear the Governor's message.

Mr. LaMoure moved

That when the Senate adjourns to meet the House in joint session, the adjournment stand till 2 o'clock to-morrow,

Which motion prevailed.

#### INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Haggart introduced—

Senate Bill No. 1,

A bill for an act designating and appropriating section 36, in township 140 of range 49 west, in the county of Cass, for the use of the State Agricultural College, as a site for that institution,

Which was read the first time.

Mr. Little introduced—

Senate Bill No. 2,

A bill for an act regulating appeals from the District Courts to the Supreme Court, and to repeal Chapters 2 and 16 of the Code of Civil Procedure, Dakota Territory, as published in Levissee's Code; and Chapters 20 and 26 of the Session Laws of Dakota Territory of the year 1887; also Sections 5213 to 5239, both inclusive, of the Compiled Laws of Dakota Territory of the year 1887,

Which was read the first time.

Also,

Senate Bill No. 3,

A bill for an act regulating practice in the Supreme Court,

Which was read the first time.

Mr. Worst introduced—

Senate Bill No. 4,

A bill for an act to provide for printing and distributing ballots at the public expense, and to regulate voting at state and other elections,

Which was read the first time.

Also,  
Senate Bill No. 5,  
A bill for an act to provide for the registration of the names of  
the electors and to prevent fraud at elections,  
Which was read the first time.  
Mr. Haggart introduced—  
Senate Bill No. 6,  
A bill for an act to provide for the collection, arrangement and  
display of the products of the State of North Dakota at the  
World's Columbian Exposition of 1893, and to make an appro-  
priation therefor.  
Which was read the first time.  
Mr. Worst moved  
That the Senate do now adjourn,  
Which motion prevailed, and  
The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

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### THIRD DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 8, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.  
The Lieutenant Governor presiding.  
Prayer by the Chaplain.  
Roll called.  
All members present.  
The journal of the previous day was read and approved.

#### MOTIONS, RESOLUTIONS, ETC.

Mr. Little introduced the following resolution:

*Resolved*, That the Secretary of State be requested to furnish each  
member of the Senate with a copy of the Session Laws of 1889-1890.

Which resolution was adopted.

Also the following:

*Resolved*, That a committee of three be appointed by the President to  
secure at once suitable committee rooms for use of Senate committees.

Which resolution was adopted.



## PETITIONS AND COMMUNICATIONS.

The following communication was received from the Secretary of State:

BISMARCK, January 8, 1891.

*To the Honorable the Senate of the Second Session, Legislative Assembly:*

GENTLEMEN: I beg leave to inform you that notices of contest for seats in your honorable body, have been filed in this office by David B. Wellman vs. J. M. Patch from the Twenty-second Legislative district, John W. Bennett vs. Anton Svensrud, Twenty-eighth Legislative district, and W. E. Swanston vs. James McCormick, Twenty-first Legislative district. I have the honor to be,

Your obedient servant,

JOHN FLITTIE,  
Secretary of State.

Mr. Ink moved

That the communication of the Secretary of State be referred to the Committee on Elections, when such Committee is appointed,

Which motion prevailed.

Mr. Worst introduced the following:

*Resolved*, That it is the sense of the Senate that the contests now pending against divers persons holding certificates of election as State Senators, and now occupying seats upon this floor as members, should, in furtherance of justice, be disposed of as speedily as possible. And to that end, be it further

*Resolved*, That the President of the Senate be, and he is hereby requested to name the Committee on Privileges and Elections as soon as may, that such Committee may proceed at once to consideration of the evidence taken in such contests.

Mr. McCormick moved

That the resolution be adopted,

Which motion prevailed.

Mr. Haggart moved

That the rules be suspended and the courtesies of the floor extended to the Hon. Walter Muir of Cass county,

Which motion prevailed.

## INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Miller introduced—

Senate Bill No. 7,

A bill for an act to amend an act entitled "An Act to Fix Compensation of the Judges of the County Courts and Provide a Fund to Reimburse the County for the Same," approved March 18, 1890,

Which was read the first time.

Mr. McCormack introduced—

Senate Bill No. 8,

A bill for an act to promote the purity of elections, secure se-

crecy of the ballot, and to provide for the printing and distribution of ballots at public expense,

Which was read the first time.

Mr. Miller introduced—

Joint resolution and memorial to the President of the United States, the Secretary of War and both branches of the National Congress, asking for enlargement of Fort Abraham Lincoln and increase of number of troops at such post,

Which was read the first time.

Mr. Almen introduced—

Senate Bill No. 10,

A bill for an act to amend Section 15 of Chapter 24 of the Political Code, entitled "Incorporation of towns and cities,"

Which was read the first time.

Mr. Cashel introduced—

Senate Bill No. 11,

A bill for an act to legalize the action of the Governor, Chief Justice and Secretary of State, acting as a board of canvassers,

Which was read the first time.

Mr. Kinter introduced—

Senate Bill No. 12,

A bill for an act to amend Sections 48, 57, 62 to 70 inclusive of Article 6, and Sections 91 to 101 inclusive of Article 7, and Section 164, Article 17, of an act providing for a uniform system of public schools,

Which was read the first time.

Mr. Kinter introduced—

Senate Bill No. 13,

A bill for an act to amend Sections 7, 29, 55, 56, 57, 62, and repealing Section 58, of an act prescribing the mode of making assessments and the levy and collection of taxes, and for other purposes relative thereto, approved March 11, 1890,

Which was read the first time.

Mr. Kinter introduced—

Senate Bill No. 14,

A bill for an act concerning elections, providing penalties for the violation of the same, and repealing the laws in conflict therewith.

Which was read the first time.

Mr. Pinkham introduced—

Senate Bill No. 15,

A bill for an act to provide for the protection and regulation of primary elections,

Which was read the first time.

Mr. Enger introduced—

Senate Bill No. 16,

A bill for an act to declare certain combinations, contrivances,

agreements or trusts unlawful, and to restrain and punish the same,

Which was read the first time.

The President announced the following Special Committee to secure rooms for use of Senate committees: Senators LaMoure, Patch and McGillivray.

Mr. Worst moved

That the Senate do now adjourn till 2 o'clock to-morrow,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

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#### FOURTH DAY.

SENATE CHAMBER,  
BISMARCK NORTH DAKOTA,  
January 9, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Fuller and Palmer.

#### REPORTS OF STANDING COMMITTEES.

The Committee on Rules reported as follows:

MR. PRESIDENT:

Your Committee on Rules beg leave to report as follows:

#### RULES OF THE SENATE—SECOND SESSION.

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#### ORDER OF DAILY BUSINESS.

After calling the Senate to order the following order shall govern:

1. Prayer by the Chaplain.
2. Calling the roll.
3. Reading of the Journal.
4. Unfinished Business.
5. Presentation of Petitions and Communications.
6. Reports of Standing Committees.
7. Reports of Select Committees.
8. Motions and Resolutions.
9. Introductions of Bills, Joint Resolutions and Memorials.
10. Consideration of Messages from the House.
11. First Reading of Senate Bills, Joint Resolutions and Memorials.
12. Second reading of the same.
13. Third Reading of the same.

14. First Reading of House Bills, Joint Resolutions and Memorials.
15. Second Reading of the same.
16. Third Reading of the same.
17. Consideration of General Orders.

## RULES.

1. The President shall take the Chair at 2 o'clock p. m. or the hour to which the Senate was adjourned, and call the Senate to order, and if a quorum be present he shall direct the Journal of the preceding day to be read and mistakes or omissions, if any, corrected. He shall preserve order and decorum, and decide all questions of order, subject to an appeal to the Senate.

2. Five members may have a call of the Senate, and compel the attendance of absent members, until the call be dispensed with by a majority of the members present.

3. Questions shall be put in this form: "As many as are of the opinion that (as the case may be) say aye" and after the affirmative voice is expressed, "As many as are of the contrary opinion say no." If the President doubt or a division be called for, the Senate shall divide; those in the affirmative of the question shall rise from their seats, and afterwards those in the negative.

4. All motions, except to adjourn, postpone or commit, shall be reduced to writing if required by any member of the Senate. Any motion may be withdrawn by consent of the Senate.

5. No member shall interrupt the business of the Senate while the Journals are being read, or when any member is speaking in debate, except on questions of privileges.

6. Every member present, when the question is put, shall vote, unless he shall for a special cause, be excused by a two thirds vote of the Senate present; but no member shall vote on any question in which he is directly or personally interested, or in any case where he was not present when the question was put.

7. When any member is about to speak in debate, or debate on any matter in the Senate, he shall rise from his seat and respectfully address himself to Mr. President, and shall stand in his place until recognized by the Chair, and shall confine himself to the question under debate, and avoid personalities and the implication of improper motive.

8. When a question is under debate no motion shall be received except to adjourn, to lie on the table, to move for the previous question, to move to postpone to a certain day to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are named, and no motion to postpone to a certain day, to commit, to postpone indefinitely, having been decided, shall be entertained on the same day and at the same stage of the bill or proposition.

9. When two members rise the President shall name the member to speak. No member shall speak more than twice on the same subject, without leave of the House, nor more than once until every member choosing to speak on the subject pending shall have spoken, nor shall any member occupy more than ten minutes at the first time, nor more than five minutes at the second time, without unanimous consent of the House.

10. If any member, in speaking or otherwise, transgress the rules of the Senate, the presiding officer shall, or any member may, call to order, and when a member shall be called to order by the President or a member of the Senate, he shall sit down, and shall not proceed without leave of the Senate.

11. Every question of order shall be decided by the President, subject to an appeal to the Senate, and the President may call for a sense of the Senate on any question of order.

12. If any member be called to order by another member for words spoken, the exceptional words shall immediately be taken down in writing, that the Senate may be better able to judge of the matter.

13. A motion to adjourn and to lay on the table shall be decided without debate.

14. Any member may call for a division of the question, which shall be divided if it comprehends propositions in substance so distinct, that on being

taken away a substantive proposition shall remain for the decision of the Senate. A motion to strike out and insert shall be deemed divisible; but a motion to strike out being lost, shall preclude neither amendments nor motions to strike out and insert.

15. No motion shall be debated until the same shall be seconded and stated by the president.

16. When the reading of a paper is called for and the same is objected to by any member, it shall be determined by the Senate.

17. The unfinished business in which the Senate was engaged at the last preceding adjournment, shall have the preference in the special order of the day.

18. Every bill and joint resolution shall be introduced on the report of a committee, or on a call for bills and joint resolutions, or by a motion for leave.

19. Every bill shall be read three several times, but the first and second readings, and those only, may be upon the same day; and the second reading may be by title of the bill unless a reading at length be demanded. The first and third reading shall be at length.

20. The first reading of a bill shall be for information, and the bill shall be presented and go to its second reading without further question.

21. Upon the second reading of a bill or joint resolution, the president shall refer it to its appropriate committee, unless the Senate, upon motion, decide to refer the same to a select or other standing committee, or to a Committee of the Whole Senate; if to a Committee of the Whole Senate, then it shall come up for consideration under the general order of the next day, unless otherwise ordered by the Senate.

22. No bill or resolution requiring the concurrence of both Houses shall be committed or amended until it shall have been twice read. Nor shall any such bill or resolution have its third reading and be put upon its final passage until at least one day after the same has been reported to the Senate by the committee to which the same had been referred; *Provided*, That any bill or resolution may have its third reading and be put upon its final passage on the day the same is reported back, when so ordered by two thirds of the members of the Senate present.

23. On the third reading of every bill or resolution, any amendment may be received and it may be recommitted at any time previous to its final passage.

24. No bill shall be revised or amended, nor the provisions thereof extended or incorporated in any other bill by reference to its title only, but so much thereof as is revised, amended or extended or so incorporated, shall be re-enacted and published at length.

25. No bill shall become a law except by a vote of the majority of all the members-elect in each house, nor unless, on its final passage, the vote be taken by yeas and nays, and the names of those voting be entered on the Journal.

26. The presiding officer shall, in the presence of the Senate, sign all bills and joint resolutions passed by the Senate. Immediately before such signing their title shall be publicly read, and the fact of signing shall be at once entered on the Journal.

27. No bills for the appropriation of money, except for the expenses of the government, shall be introduced after the fortieth day of the session, except by unanimous consent of the Senate.

28. In filling blanks the largest sum and longest time shall be first put. When a motion or question has been decided in the affirmative or negative, any member having voted with the prevailing side may move a reconsideration on the same or the following day, but when a motion to reconsider be laid on the table, a motion to reconsider cannot again be made.

29. Before acting on executive business, the Senate Chamber shall be cleared by the direction of the President of all persons except members, the Chief Clerk and Sergeant-at-Arms to be sworn.

30. No standing rule or order of the Senate shall be reconsidered or suspended, except by a vote of two-thirds of the members-elect, and no motion to suspend the rules and pass a bill shall be entertained except by unanimous

consent, unless the bill shall have first been printed and considered by a committee.

31. The rules of parliamentary practice comprised in Roberts' Rules of Order, shall govern the Senate in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and order of the Senate and the joint rules of the Senate and House of Representatives.

32. When the ayes and noes shall be called for by one-sixth of the members present, each member called upon shall, unless for special reasons he be excused by the Senate, declare openly and without debate, his assent or dissent to the question. In taking the ayes and noes upon the call of the House, the names of the members shall be taken alphabetically.

33. In the absence of the President of the Senate, the President *pro tempore* shall exercise all rights and prerogatives of the President for the time being.

34. All bills and joint resolutions, after the first and before the second reading, shall be printed, unless otherwise ordered by the Senate.

35. There shall be appointed by the President the following standing committees:

- On Judiciary to consist of 7 members.
- On Education to consist of 7 members.
- On Elections to consist of 7 members.
- On Appropriations to consist of 9 members.
- On Railroads to consist of 7 members.
- On State Affairs to consist of 7 members.
- On Public Lands to consist of 7 members.
- On Ways and Means to consist of 7 members.
- On Agriculture to consist of 7 members.
- On Warehousing, Grain and Grain Grading to consist of 7 members.
- On Counties to consist of 7 members.
- On Engrossed and Enrolled Bills to consist of 5 members.
- On Banks and Banking to consist of 7 members.
- On City and Municipal Corporations to consist of 7 members.
- On Indian Affairs to consist of 5 members.
- On Statistics to consist of 5 members.
- On Federal Relations to consist of 5 members.
- On Insurance to consist of 5 members.
- On Public Health to consist of 5 members.
- On Public Printing to consist of 5 members.
- On Temperance to consist of 7 members.
- On Mines and Minerals to consist of 5 members.
- On Rules to consist of 7 members.
- On Immigration to consist of 5 members.
- On Highways, Bridges and Ferries to consist of 5 members.
- On Irrigation to consist of 7 members.
- On Apportionment to consist of 9 members.
- On Corporations Other Than Municipal to consist of 7 members.
- On Military Affairs to consist of 5 members.
- On Woman Suffrage to consist of 5 members.
- Also joint committees on the following subjects:
- On Public Buildings to consist of 5 members.
- On Charitable Institutions to consist of 5 members.
- On Penal Institutions to consist of 5 members.
- On Educational Institutions to consist of 7 members.
- On State Library to consist of 5 members.
- On Joint Rules to consist of 7 members.

36. The Chair cannot change a committee after it has once been formed, without the consent of the Senate.

37. A quorum for the transaction of business shall consist of a majority of the members elected to the Senate.

38. No person shall be admitted within the bar of the Senate but the Executive members of the House, State officers, Judges of the Supreme and



district courts, members of Congress, those who have been members of Congress and the Legislative Assembly, and all Federal officials of the State, except by a vote of the Senate.

39. Members of the Senate introducing bills in the nature of amendments to laws now existing shall designate in the title of such amendatory act the title of the act and shall have printed at length in the bill the section or sections to be amended.

40. All nominations from the Executive shall be opened and read immediately in executive session and shall then be laid over for consideration in executive session on the following day, unless otherwise ordered by a majority of those present.

41. All bills reported from committees with amendments shall be enrolled before being read the third time and placed upon final passage.

R. N. INK,  
Chairman.

Mr. Cashel moved

That the report of Committee be accepted and printed before being acted upon,

Which motion prevailed.

Mr. Worst moved

That the Clerk be authorized to have fifty extra copies of Senate Bill No. 12 printed,

Which motion prevailed.

Mr. Little moved

That when the Senate adjourns the adjournment be a recess until Monday, January 12, at 2 o'clock p. m.,

Which motion prevailed.

Mr. Haggart moved

That the courtesies of the floor be extended to the Hon. Jacob Lowell,

Which motion prevailed.

Mr. Little moved

That the courtesies of the floor be extended to Hon. W. H. Francis,

Which motion prevailed.

#### INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Arnold introduced—

Senate Bill No. 17,

A bill for an act authorizing the Governor to restore to the Elk Valley Farming Company a parcel of land conveyed to the Territory of Dakota according to the provisions of Section 1, Chapter 13, Session Laws 1883.

Which was read the first time.

Mr. Kinter introduced—

Senate Bill No. 18,

A bill for an act to amend Section 33 of Chapter 2 of an act passed at the First Legislative Assembly of the State of North Dakota, known as the School Law,

Which was read the first time.

Mr. Worst introduced—

Senate Bill No. 19,

A bill for an act for paroling prisoners,

Which was read the first time.

Mr. McCormack of Grand Forks, introduced—

Senate Bill No. 20,

A bill for an act to amend "An Act providing for the establishing of independent school districts in cities heretofore organized for school purposes, under special laws, and provided with boards of education."

Which was read the first time.

Mr. Kinter introduced—

Senate Bill No. 21,

A bill for an act to require county treasurers to deposit county funds in designated depositories, and providing for interest thereon.

Which was read the first time.

The President announced the following standing Committee on Elections: Messrs Arnold, Ink, Kinter, Worst, Cashel, Kuhn, Lowry.

Mr. Worst moved

That the Senate do now adjourn.

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

## SEVENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 12, 1891.

The Senate met pursuant to adjournment, at 2 o'clock p. m.

The Lieutenant-Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Fuller.

The Journal of the preceding day was read, corrected and approved.

## STANDING COMMITTEES.

The President announced the following Standing Committees:

## SENATE COMMITTEES.

JUDICIARY—Little, LaMoure, Cashel, Kinter, Worst, McGillivray, Patch.

EDUCATION—Worst, Brynjolfson, Kinter, Almen, Svensrud, Bidlake, McCormack of Grand Forks.

ELECTIONS—Arnold, Ink, Kinter, Worst, Cashel, Kuhn, Lowry.

APPROPRIATIONS—Haggart, Little, Bidlake, Weiser, Johnson of Traill, Engle, Arnold, Kuhn, McCormick of Ramsey.

RAILROADS—Johnson of Traill, Patch, Svennungsen, Bidlake, Worst, Ink, Svensrud.

STATE AFFAIRS—McCormick of Ramsey, LaMoure, Pinkham, Fuller, Lowry, Enger, Engle.

PUBLIC LANDS—Palmer, McCormick of Ramsey, Haggart, Kinter, Fuller, Bjorgo, Pinkham.

WAYS AND MEANS—LaMoure, Nelson, Johnson of Traill, Bisbee, Little, Kinter, Svennungsen.

AGRICULTURE—Svensrud, Johnson of Ward, Enger, Almen, Svennungsen, McCormick of Ramsey, Lowry.

WAREHOUSING, GRAIN AND GRAIN GRADING—Nelson, Kuhn, Fuller, Bidlake, Bjorgo, Enger, Johnson of Traill.

COUNTIES—Johnson of Ward, McCormick of Ramsey, Bidlake, Ink, McGillivray, Palmer, Weiser.

ENGROSSED AND ENROLLED BILLS—Ink, Little, Svensrud, McGillivray, Almen.

BANKS AND BANKING—Cashel, Little, Patch, Fuller, LaMoure, Kuhn, Ink.  
CITIES AND MUNICIPAL CORPORATIONS—Fuller, Haggart, Arnold, Cashel, Lowry, Miller, LaMoure.

INDIAN AFFAIRS—Engle, Bisbee, Palmer, Johnson of Ward, Miller.

STATISTICS—Miller, Brynjolfson, Engle, Bjorgo, McGillivray.

FEDERAL RELATIONS—McCormack of Grand Forks, LaMoure, Haggart, Patch, Nelson.

INSURANCE—Weiser, Almen, Enger, Little, Nelson.

PUBLIC HEALTH—Brynjolfson, Palmer, Svennungsen, Fuller, Bisbee.

PUBLIC PRINTING—Lowry, Arnold, Worst, McGillivray, Haggart.

TEMPERANCE—Almen, Enger, Svennungsen, Nelson, Pinkham, Kinter, Brynjolfson.

MINES AND MINERALS—McGillivray, Fuller, Miller, Johnson of Ward, Bjorgo.

RULES—Ink, Cashel, Johnson of Traill, Weiser, Kuhn, Johnson of Ward, Nelson.

IMMIGRATION—Enger, Bisbee, Brynjolfson, McCormack of Grand Forks, Haggart.

HIGHWAYS, BRIDGES AND FERRIES—Patch, Lowry, Almen, Johnson of Ward, Miller.

IRRIGATION—Kuhn, Weiser, Worst, Pinkham, McCormick of Ramsey, Engle, McGillivray.

APPORTIONMENT—Kinter, LaMoure, Arnold, Patch, Johnson of Traill, Fuller, Svensrud, Little, McGillivray.

CORPORATIONS OTHER THAN MUNICIPAL—Svennungsen, Cashel, Pinkham, McCormack of Grand Forks, Ink, Palmer, McGillivray.

MILITARY AFFAIRS—Bidlake, Bisbee, Engel, Weiser, Palmer.

WOMAN'S SUFFRAGE—Bjorgo, Pinkham, Miller, Kuhn, Patch.

#### JOINT COMMITTEES.

PUBLIC BUILDINGS—Pinkham, Miller, Weiser, Haggart, Engel.

CHARITABLE INSTITUTIONS—Fuller, Lowry, McCormick of Ramsey, Johnson of Ward, Brynjolfson.

PENAL INSTITUTIONS—Miller, Little, Cashel, Bidlake, Svensrud.

EDUCATIONAL INSTITUTIONS—McCormack of Grand Forks, Worst, Ink, Johnson of Traill, Svennungsen, Palmer, Arnold.

STATE LIBRARY—LaMoure, Kinter, Nelson, Kuhn, Little.

JOINT RULES—Ink, Cashel, Johnson of Traill, Weiser, Kuhn, Johnson of Ward, Nelson.

Mr. LaMoure moved

That the President be made *ex-officio* member of the Committee on Rules,

Which motion prevailed.

Mr. Arnold moved

That the courtesies of the floor be extended to the counsel in the various contest cases,

Which motion prevailed.

Mr. Worst moved

That the fifty copies of Senate Bill No. 12 be referred to the Superintendent of Public Instruction for distribution,  
Which motion prevailed.

Mr. Worst moved

That the courtesies of the floor be extended to Rev. Father Perrault, Chaplain of the Senate for the last session,  
Which motion prevailed.

Mr. LaMoure introduced the following resolution:

*Resolved.* That the State Auditor be requested to furnish the Senate with an itemized account of the expenditures included in the words "Maintenance of State Capitol, \$15,506.62; also "Miscellaneous warrants, general purposes, \$7,313.97," appearing in the State Auditor's report.

Which resolution was adopted.

Mr. Little introduced the following resolution:

*Resolved,* That the Secretary of State be requested to furnish the Judiciary Committee of the Senate with a copy of the Compiled Laws and copies of the Session Laws of 1887 and 1889-90.

Mr. LaMoure moved, as an amendment, that the books be returned to the State Library at the end of the session,

Which amendment was adopted.

The question recurring on the resolution as amended,  
Roll call was demanded.

The roll being called there were ayes 28, nays 3.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Bronjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,

Messrs—

Haggart,  
Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Lowry,  
McCormack, G. F'ks

Messrs—

McCormick, Ramsey,  
McGillivray,  
Miller,  
Nelson,  
Palmer,  
Pinkham,  
Svennungsen,  
Swensrud,  
Weiser,

Those who voted in the negative were:

Messrs—

Little,

Messrs—

Patch,

Messrs—

Worst.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Cashel introduced—

Senate Bill No. 22,

A bill for an act to amend Section 79 of Article 6 of Chapter 62 of the Session Laws of 1890, entitled "Education,"  
Which was read the first time.

Also,

Senate Bill No. 23,

A bill for an act to provide for a board of State canvassers,  
Which was read the first time.

Mr. Miller introduced—

Senate Bill No. 24,

A bill for an act giving power to county commissioners to dispose of real estate bid in, in the name of the county at tax sales,  
Which was read the first time.

Mr. Almen introduced—

Senate Bill No. 25,

A bill for an act for the protection of laborers employed by men running threshing machines in this State,  
Which was read the first time.

Mr. Kinter introduced—

Senate Bill No. 26,

A bill for an act entitled "An Act to provide for the registering of all warrants issued by county auditors or clerks, and manner of paying the same,"  
Which was read the first time.

Also,

Senate Bill No. 27,

A bill for an act to amend Section 18 of Chapter 152, entitled "An Act authorizing counties to issue bonds to procure seed grain for needy farmers therein," approved February 14, 1890,  
Which was read the first time.

Which was read the first time.

Mr. Little introduced—

Senate Bill No. 28,

A bill for an act to provide for a uniform system of free text books throughout the State,  
Which was read the first time.

Which was read the first time.

Mr. Ink introduced—

Senate Bill No. 29,

A bill for an act to donate and grant section 36, in township 133, in range 48, of the 5th principal meridian,  
Which was read the first time.

Which was read the first time.

Mr. LaMoure introduced—

Senate Bill No. 31,

A bill for an act to amend Section 31, of Chapter 51, of the Session Laws of 1889, referring to the transfer of certain county funds,  
Which was read the first time.

Which was read the first time.

Mr. McCormack of Grand Forks introduced—

Senate Bill No. 32,

A bill for an act classifying the judicial districts of the State and fixing the salaries of the judges therein,  
Which was read the first time.

Which was read the first time.

## MOTIONS AND RESOLUTIONS.

The Senate returned to the eighth order of business.

Mr. Palmer moved

That the courtesies of the floor be extended to Hon. A. O. Whipple,

Which motion prevailed.

Mr. Arnold introduced the following resolution:

*Resolved*, That it is the sense of the Senate that the President appoint Assistant Enrolling and Engrossing Clerks as they are needed, up to the number of four.

Which resolution was adopted.

Mr. Ink introduced the following memorial to Congress:

## A MEMORIAL

To Congress, requesting the passage of an act confirming the act of the Legislative Assembly of the State of North Dakota, donating and granting section 36 in township 133 north of range 48 west of the 5th principal meridian, to the Academy of Science, at the city of Wahpeton, Richland county; and to also authorize and allow said State of North Dakota to select some other section in lieu of the said section so donated and granted to said Academy of Science.

*Be it resolved by the Senate, the House of Representatives concurring:* That a properly certified and attested copy of the following memorial be forwarded to our Representative and Senators in Congress, who are hereby respectfully requested to urge the passage of an act of Congress in accordance with this memorial, to-wit:

*To the Honorable, the Congress of the United States:*

The people of the State of North Dakota, in Legislative Assembly convened, respectfully request your honorable body to pass an act confirming the act of the Legislative Assembly of the State of North Dakota, donating and granting section 36, in township 133, north of range 48, west of the 5th principal meridian, to the Academy of Science at the city of Wahpeton, in said Richland county; and also authorizing and allowing said State of North Dakota to select some other section in lieu of the section so donated and granted to said Academy of Science.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
January 12, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith

A Concurrent Resolution providing for the appointment of a Joint Committee by the House and Senate to ascertain the value of all railroads located in the State of North Dakota for purposes of taxation..

## CONCURRENT RESOLUTION.

*Resolved by the House of Representatives, the Senate Concurring,* That a committee of five be appointed by the Speaker of the House, and the Presi-

dent of the Senate, consisting of three from the House and two from the Senate, three of whom shall be farmers, one a lawyer and one a merchant. Said committee shall have power to send for books, papers and persons and shall fully investigate and report at as early a day as possible upon the following: "The actual original cost, and the actual present value of all railroads including roadbed, right of way and rolling stock in the State of North Dakota, and the amount of present taxes of said railroads."

Which the House has passed, and your concurrence is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

Mr. Kinter introduced the following resolution:

*Resolved*, That sixty extra copies of Senate Bill No. 18 be printed for the use of the Superintendent of Public Instruction.

Which resolution was adopted.

Mr. McCormack of Grand Forks moved

That the courtesies of the floor be extended to Hon. Alexander Griggs and R. B. Kingman,

Which motion prevailed.

Mr. Little introduced the following resolution:

*Resolved*, That the Secretary of State be requested to furnish sixteen copies of the Compiled Laws for use of the Senate, to be returned at the end of the session.

Which resolution was adopted.

#### SECOND READING OF SENATE BILLS.

Senate Bill No. 1,

A bill for an act designating and appropriating section 36, in township 140, of range 49 west, in the county of Cass, for the use of the State Agricultural College, as a site for that institution,

Was read the second time and referred to the Committee on Public Lands.

Senate Bill No. 2,

A bill for an act regulating appeals from the district courts to the Supreme Court, and to repeal Chapters 2 and 16 of the Code of Civil Procedure, Dakota Territory, as published in Levissee's Code, and Chapters 20 and 26 of the Session Laws of Dakota Territory of the year 1887; also Sections 5213 to 5239, both inclusive, of the Compiled Laws of Dakota Territory of the year 1887,

Was read the second time, and referred to the Committee on Judiciary.

Senate Bill No. 3,

A bill for an act regulating practice in the Supreme Court,

Was read the second time, and referred to the Committee on Judiciary.

S--3.



**Senate Bill No. 4,**

A bill for an act to provide for printing and distributing ballots at the public expense, and to regulate voting at State and other elections,

Was read the second time, and referred to the Committee on Elections.

**Senate Bill No. 5,**

A bill for an act to provide for the registration of the names of the electors and to prevent fraud at elections,

Was read the second time, and referred to the Committee on Elections.

**Senate Bill No. 6,**

A bill for an act to provide for the collection, arrangement and display of the products of the State of North Dakota at the World's Columbian Exposition of 1893, and to make an appropriation therefor,

Was read the second time, and referred to the Committee on Appropriations.

**Senate Bill No. 7,**

A bill for an act to amend an act entitled "An act to fix compensation of the judges of the county courts and provide a fund to reimburse the county for the same," approved March 18, 1890,

Was read the second time, and referred to the Committee on Appropriations.

**Senate Bill No. 8,**

A bill for an act to promote the purity of elections, secure secrecy of the ballot, and to provide for the printing and distribution of ballots at public expense,

Was read the second time, and referred to the Committee on Elections.

**Senate Bill No. 9,**

Joint resolution and memorial to the President of the United States, the Secretary of War and both branches of the National Congress, asking for enlargement of Fort Abraham Lincoln and increase of number of troops at such post,

Was read the second time, and referred to the Committee on Military.

**Senate Bill No. 10,**

A bill for an act to amend Section 15, of Chapter 24, of the Political Code, entitled, "Incorporation of towns and cities,"

Was read the second time, and referred to the Committee on Cities and Municipal Corporations.

**Senate Bill No. 11,**

A bill for an act to legalize the action of the Governor, Chief Justice and Secretary of State, acting as a board of canvassers,

Was read the second time, and referred to the Committee on Judiciary.

Senate Bill No. 12,

A bill for an act to amend Sections 48, 57, 62 to 70 inclusive of Article 6, and Sections 91 to 101 inclusive of Article 7, and Section 164, Article 17 of an act providing for a uniform system of public schools,

Was read the second time, and referred to the Committee on Education.

Senate Bill No. 13,

A bill for an act to amend Sections 7, 29, 55, 56, 57, 62, and repealing Section 58 of an act prescribing the mode of making assessments and the levy and collection of taxes, and for other purposes relative thereto, approved March 11, 1890,

Was read the second time, and referred to the Committee on Ways and Means.

Senate Bill No. 14,

A bill for an act concerning elections, providing penalties for the violation of the same, and repealing the laws in conflict therewith,

Was read the second time, and referred to the Committee on Elections.

Senate Bill No. 15,

A bill for an act to provide for the protection and regulation of primary elections.

Was read the second time, and referred to the Committee on Elections.

Senate Bill No. 16,

A bill for an act to declare certain combinations, contrivances, agreements and trusts unlawful, and to restrain and punish the same,

Was read the second time, and referred to the Committee on Judiciary.

Senate Bill No. 17,

A bill for an act authorizing the Governor to restore to the Elk Valley Farming Company a parcel of land conveyed to the Territory of Dakota according to the provisions of Section 1, Chapter 13, Session Laws 1883,

Was read the second time, and referred to the Committee on Judiciary.

Senate Bill No. 18,

A bill for an act to amend Section 33 of Chapter 2 of an act passed at the First Legislative Assembly of the State of North Dakota, known as the School Law,

Was read the second time, and referred to the Committee on Education.

Senate Bill No. 19,

A bill for an act for paroling prisoners,

Was read the second time, and referred to the Committee on Judiciary.

Senate Bill No. 20,

A bill for an act to amend "An Act providing for the establishing of independent school districts in cities heretofore organized for school purposes, under special laws and provided with boards of education,"

Was read the second time, and referred to the Committee on Education.

Senate Bill No. 21,

A bill for an act to require county treasurers to deposit county funds in designated depositories and providing for interest thereon,

Was read the second time, and referred to the Committee on Way and Means.

#### MESSAGES FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
January 12, 1891. }

MR. PRESIDENT:

I have the honor to transmit herewith

A Memorial to Congress, requesting the passage of an act to donate section 36, in township 135 north, of range 56, to the Soldiers' Home,

Which the House has passed, and your concurrence therein is respectfully requested.

#### A MEMORIAL

To Congress requesting the passage of an act confirming the act of the Legislative Assembly of the State of North Dakota, donating and granting section 36 in township 135, north of range 56, west of the 5th principal meridian, to the Soldiers Home at the city of Lisbon, and to also authorize and allow said State of North Dakota to select some other section in lieu of the said section so donated and granted to said Soldiers Home.

*Be it Resolved by the House of Representatives, the Senate Concurring.* That a properly certified and attested copy of the following memorial be forwarded to our Representative and Senators in Congress, who are hereby respectfully requested to urge the passage of an act of Congress in accordance with this memorial, to-wit:

*To the Honorable, the Congress of the United States:*

The people of the State of North Dakota, in Legislative Assembly convened, respectfully request your honorable body to pass an act confirming the act of the Legislative Assembly of the State of North Dakota, donating and granting section 36, in township 135, north of range 56, west of the fifth principal meridian, to the Soldiers' Home at the city of Lisbon, in said Ransom county; and also authorizing and allowing said State of North Dakota to select some other section in lieu of the section so donated and granted to said Soldiers' Home.

Also,

I have the honor to transmit herewith

A concurrent resolution providing for the appointment of a Joint Committee of seven of the House and Senate to ascertain the financial standing of the farmers of the different counties of North Dakota, to thereby enable the Legislature to understand the financial position of the people of the respective portions of the State.

CONCURRENT RESOLUTION.

*Resolved*, That a joint committee of seven be appointed, four from the House to be chosen by the Speaker, three from the Senate to be chosen by the President of that body, for the purpose of investigating the financial standing of the farmers of the different counties of North Dakota, in order that by these means the Legislature may arrive at an intelligent understanding of the financial position of the people of this State;

That the Commissioner of Agriculture and Labor be, *ex-officio*, an additional member of this committee.

Which the House has passed, and your concurrence therein is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

The President appointed the following Assistant Enrolling and Engrossing Clerks:

Jacob Lindal, A. E. Preston, Miss Alice Westcott and Mrs. F. J. Call.

Mr. LaMoure moved

That the courtesies of the floor be extended to Hon. George Peopleton,

Which motion prevailed.

Mr. Haggart moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

## EIGHTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 13, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

The Journal of the preceding day was read and approved.

Senator Worst was called to the chair.

Mr. Cashel moved

That the rules as reported by the Committee be read section by section and all passed upon without objection be considered adopted,

Which motion prevailed.

Mr. Ink moved

That rules from 2 to 8 inclusive be adopted.

Mr. Little moved

To amend rule 9 by adding thereto the following: "But in all cases the member who shall first address the Chair shall speak first."

On a vote being taken on the amendment there were 15 votes for and 9 against.

The amendment was declared adopted.

The rule as amended was adopted.

Mr. McCormick moved

To strike out the word "House" wherever it occurs in Rule 9, and substitute the word "Senate,"

Which motion was adopted.

Mr. Ink moved

That Rule 18 be amended by adding the following thereto:

"Unless objected to by one member of the Senate, which shall carry it over for one day,"

Which amendment was adopted.

Rules 9 to 18 inclusive, as amended, were then adopted.

Mr. LaMoure moved

To strike out Rule 25,

Which motion was lost.

Mr. McCormick moved

That the word "enrolled" in Rule 41 be stricken out and the word "engrossed" be substituted,

Which motion prevailed, and

Rule 41 as amended was adopted.

Mr. Palmer moved

To amend Rule 38 to read after the words Legislative Assembly, "members of the Constitutional Convention,"

Which amendment prevailed, and

Rule 38 was adopted as amended.

Mr. Arnold moved

To adopt rules down to and including Rule 41,

Which motion prevailed.

#### REPORTS OF STANDING COMMITTEES.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education have had

Senate Bill No. 20,

A bill for an act to amend "An Act providing for the establishing of independent school districts in cities heretofore organized for school purposes, under special laws, and provided with boards of education,"

Have had the same under consideration and recommend that said bill do pass.

J. H. WORST,  
Chairman.

Which report was adopted.

The Committee on Military Affairs made the following report:

MR. PRESIDENT:

Your Committee on Military Affairs to whom was referred

Senate Bill No. 9,

A Joint Resolution and Memorial to the President of the United States, the Secretary of War and both branches of the National Congress, asking for enlargement of Fort Abraham Lincoln and increase of number of troops at such post,

Have had the same under consideration, and recommend that said bill do pass.

JOHN BIDLAKE,  
Chairman.

Mr. Bidlake moved  
That the report of the committee be adopted,  
Which motion prevailed, and  
The report was adopted.

The Committee on Public Lands made the following report:

MR. PRESIDENT:

Your Committee on Public Lands to whom was referred  
Senate Bill No. 1,

A bill for an act designating and appropriating section 36, in township 140 of range 49 west, in the county of Cass, for the use of the State Agricultural College, as a site for that institution,

Have had the same under consideration and recommend that said bill do pass.

FRANK PALMER,  
Chairman.

Mr. Haggart moved  
That the report of the committee be adopted,  
Which motion prevailed, and  
The report was adopted.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred  
Senate Bill No. 2,

A bill for an act regulating appeals from the district courts to the Supreme Court, and to repeal Chapters 2 and 16 of the Code of Civil Procedure, Dakota Territory, as published in Levissee's Code; and Chapters 20 and 26 of the Session Laws of Dakota Territory of the year 1887; also Sections 5213 to 5239, both inclusive, of the Compiled Laws of Dakota Territory of the year 1887,

Have had the same under consideration and recommend that said bill do pass.

Also,

Senate Bill No. 3,

A bill for an act regulating practice in the Supreme Court,

Have had the same under consideration and recommend that said bill do pass.

Also,

Senate Bill No. 17,

A bill for an act authorizing the Governor to restore to the Elk Valley Farming Company a parcel of land conveyed to the Territory of Dakota according to the provisions of Section 1, Chapter 13, Session Laws 1883,

Have had the same under consideration and recommend that said bill be amended as follows:

Amend the title of said bill by inserting after the word "Governor" the words "of the State of North Dakota;" also strike out the word "session" where it appears in the title and insert the words "of the special."

Also amend Section 1 by inserting after the words "the Governor of," in line 1, the words "the State of;" also amend line 8 of said Section 1 by inserting after the word "hundred" the word "and"; also amend line 9 of said Section 1 by inserting after the word "west" the word "situate," and by inserting after the words "Grand Forks," in said line 9, the words "and State of North Dakota."

And when so amended recommend that said bill do pass.

C. B. LITTLE,  
Chairman.

Mr. Haggart moved

That the report of the committee be adopted,  
Which motion prevailed, and  
The report was adopted.

#### MOTIONS AND RESOLUTIONS.

Mr. Arnold moved

That the courtesies of the floor be extended to Hon. T. S. Edison.

Which motion prevailed.

Mr. Haggart moved

That Senate Bill No. 1 be made a special order for to-morrow at 2 p. m.,

Which motion prevailed.

Mr. McCormick moved

That the rules be suspended and that Senate Bill No. 20 be given its third reading and be put on its final passage,

Which motion prevailed, and

Senate Bill No. 20 was read the third time and put upon its final passage.

The roll being called there were ayes 31, nays 0.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F.'s  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Swensrud,  
Weiser,  
Worst.

So the bill passed, and

The title was agreed.

Mr. McCormack moved

That the vote by which Senate Bill No. 20 was passed be reconsidered, and that the motion to reconsider be laid upon the table.

Which motion prevailed.



## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
January 13, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith

A Memorial and Joint Resolution requesting Congress to pass a Joint Resolution introduced by Representative Hansbrough on the 4th day of December, 1890, appropriating \$500,000 to be expended by direction of the Secretary of Agriculture in the purchase of seed wheat for the benefit of those residents in the State of North Dakota who lost their crops by reason of the drouth of 1890,

A MEMORIAL AND CONCURRENT RESOLUTION,

Requesting Congress to pass a joint resolution introduced by Representative Hansbrough on the 4th day of December, 1890, appropriating \$500,000 to be expended by direction of the Secretary of Agriculture in the purchase of seed wheat for the benefit of those residents of the State of North Dakota who lost their crops by reason of the drouth of 1890.

*To the Honorable Senate and House of Representatives of the United States in Congress assembled:*

WHEREAS, Many of the residents of the State of North Dakota living outside of the Red river valley, in said State, have lost their crops for the last two or three years, but more particularly during the year 1890, by reason of drouth and other climatic influences, and

WHEREAS, By reason of said loss of crops said residents or many of them are unable to procure the necessary seed grain wherewith to sow their land prepared for the season of 1891, and

WHEREAS, The several counties, or many of them, wherein said residents reside, being bonded nearly or up to the limit of indebtedness prescribed by law, are unable for said reason to assist their said residents in procuring the necessary seed grain, and

WHEREAS, The State of North Dakota, for various reasons, among others that it is doubted whether or not said State has any authority to render said needed assistance, even were it in a position so to do; therefore, be it

*Resolved by the House of Representatives, the Senate Concurring:* That Congress be requested to take prompt act in the passage of said Joint Resolution No. —, as set forth in the preamble in order that the necessary steps be taken in time to furnish said needy residents with such amount of seed grain as may be required before seeding time of the crop for the season of 1891; and,

*Resolved.* That the Secretary of State be instructed to furnish each of our Senators and Representative in Congress with a copy of this Memorial and Concurrent Resolution forthwith upon its passage.

Which the House has passed and your concurrence therein is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

Mr. McCormack of Grand Forks, moved

That the rules be suspended for the purpose of taking up the Concurrent Resolution with regard to seed wheat,

Which motion prevailed, and  
The rules were suspended.

Mr. Worst moved as an amendment to the Concurrent Resolution as follows:

Strike out in the first whereas all after the words "North Dakota" to and including the word "State."

Mr. McCormick of Ramsey moved  
That the amendment be indefinitely postponed.

The roll being called there were ayes 12; nays 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	Palmer,
Bjorgo,	McCormack of G Fk's	Patch,
Brynjolfson,	McCormick, Ramsey,	Pinkham,
Cashel,	Nelson,	Svensrud.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Almen,	Johnson of Traill,	McGillivray,
Bidlake,	Johnson of Ward,	Miller,
Bisbee,	Kinter,	Svennungsen,
Engle,	Kuhn,	Weiser,
Ink,	Little,	Worst.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Haggart,	Lowry.

So the motion was lost.

The question recurring on the adoption of the resolution as amended,

The roll being called there were ayes 20, nays 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Enger,	Palmer,
Arnold,	Johnson of Ward,	Patch,
Bidlake,	Kinter,	Pinkham,
Bisbee,	Kuhn,	Svennungsen,
Brynjolfson,	McCormack, G. Fk's,	Svensrud,
Cashel,	McCormick, Ramsey,	Weiser.
Engle,	Miller.	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bjorgo,	Little,	Nelson,
Ink,	McGillivray,	Worst.
Johnson of Trail,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	LaMoure,	Lowry.
Haggart,		

So the Concurrent Resolution was adopted.

Mr. McCormack moved

That the vote by which the Concurrent Resolution was adopted be reconsidered, and that the vote to reconsider be laid upon the table,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Johnson of Ward, introduced—

Senate Bill No. 33,

A bill for an act to fix the maximum rate that railroad companies may charge for the transportation of coal mined within the State of North Dakota,

Which was read the first time.

Mr. LaMoure introduced—

Senate Bill No. 34,

A bill for an act authorizing and empowering the Governor, State Auditor and State Treasurer to issue bonds to pay the State of North Dakota's share of the indebtedness of the Territory of Dakota as determined by the Joint Commission of North and South Dakota, appointed pursuant to law,

Which was read the first time.

Mr. Little introduced—

Senate Bill No. 35,

A bill for an act providing for the cancellation of certain illegal taxes on railroad grant lands upon which the United States survey fees had not been paid and describing the manner in which it shall be done,

Which was read the first time.

Mr. Fuller introduced—

Senate bill No. 36,

A bill for an act defining the boundaries of the Fifth judicial district, subdividing the same and fixing the time for holding the terms of the district court therein,

Which was read the first time.

The Senate returned to the eighth order of business.

Mr. Haggart moved

That fifty extra copies of Senate Bill No. 6, also fifty copies of Senate Bill No. 28 be printed for general distribution.

The Senate took a recess of ten minutes.

SECOND READING OF SENATE BILLS.

Senate Bill No. 22,

A bill for an act to amend Section 79 of Article 6 of Chapter 62 of the Session Laws of 1890, entitled "Education,"

Was read the second time, and referred to the Committee on Education.

Senate Bill No. 23,

A bill for an act to provide for a board of State canvassers,

Was read the second time, and referred to the Committee on Judiciary.

Senate Bill No. 24,

A bill for an act giving power to county commissioners to dispose of real estate bid in, in the name of the county at tax sales,

Was read the second time, and referred to the Committee on Counties.

Senate Bill No. 25,

A bill for an act for the protection of laborers employed by men running threshing machines in this State,

Was read the second time, and referred to the Committee on State Affairs,

Senate Bill No. 26,

A bill for an act entitled "An Act to provide for the registering of all warrants issued by county auditors or clerks, and manner of paying the same,"

Was read the second time, and referred to the Committee on Counties.

Senate Bill No. 27,

A bill for an act to amend Section 18 of Chapter 152, entitled "An Act authorizing counties to issue bonds to procure seed grain for needy farmers therein," approved February 14, 1890,

Was read the Second time, and referred to the Committee on Counties.

Senate Bill No. 28,

A bill for an act to provide for a uniform system of free text books throughout the State,

Was read the second time, and referred to the Committee on Education.

Senate Bill No. 29,

A bill for an act to donate and grant section 36, in township 133, in range 48, west of the 5th principal meridian,

Was read the second time, and referred to the Committee on Public Lands.

Senate Bill No. 31,

A bill for an act to amend Section 31, of Chapter 51, of the Session Laws of 1889, referring to the transfer of certain county funds,

Was read the second time, and referred to the Committee on Counties.

Senate Bill No. 32,

A bill for an act classifying the judicial districts of the State and fixing the salaries of the judges therein,

Was read the second time and referred to the Committee on Judiciary.

Mr. Arnold moved

That the rules be suspended and that Senate Bill No. 17 be

read the third time and placed upon its final passage,

Which motion prevailed, and

Senate Bill No 17,

A bill for an act authorizing the Governor to restore to the Elk Valley Farming company a parcel of land conveyed to the Territory of Dakota according to the provisions of Section 1, Chapter 13, Session Laws of 1883,

Was read the third time and placed upon its final passage.

The roll being called there were ayes 29, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormack, G. F<sup>ks</sup>  
McCormick, Ramsey,  
McGillivray,

Messrs—

Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Messrs. Fuller and LaMoure being absent and not voting.

So the bill passed and

The title was agreed to.

Mr. Little moved

That the rules be suspended and that Senate Bill No. 2 be read the third time and placed upon its final passage,

Which motion prevailed, and

Senate Bill No. 2,

A bill for an act regulating appeals from the district courts to the Supreme Court, and to repeal Chapters 2 and 16 of the Code of Civil Procedure, Dakota Territory, as published in Levissee's Code; and Chapters 20 and 26 of the Session Laws of Dakota Territory of the year 1887; also Sections 5213 to 5239, both inclusive, of the Compiled Laws of Dakota Territory of the year 1887,

Was read the third time.

Mr. Little moved

To amend the bill by striking out the word "Territory," line 10, Section 4, and inserting the word "State" in lieu thereof,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 26, nays none

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Bisbee,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,

Messrs—

Miller,  
Palmer,  
Patch,

**Messrs—**

Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Haggart,

**Messrs—**

Kuhn,  
Little,  
Lowry,  
McCormack G. Fk's,  
McCormick, Ramsey,  
McGillivray,

**Messrs—**

Pinkham,  
Svenningsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

**Messrs—**

Almen,  
Fuller,

**Messrs—**

Ink,  
LaMoure.

**Messrs—**

Nelson.

So the bill passed, and  
Its title was agreed to.

Mr. Ink moved

That the Senate concur in the Memorial to Congress appropriating certain lands to the Soldiers' Home at Lisbon, N. D., and allowing the State of North Dakota to select some other section of land so donated.

Which motion prevailed.

Mr Little moved

That the Senate do now adjourn.

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

## NINTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 14, 1891.

The Senate met pursuant to adjournment, at 2 o'clock p. m.

The Lieutenant-Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

The Journal of the preceding day was read and ordered corrected before being approved.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, {  
January 14, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith Senate Memorial requesting Congress to confirm the donation and grant of section 36, township 133, north of range 48, to the Academy of Science at the city of Wahpeton, Richland county, North Dakota:

## A MEMORIAL

To Congress, requesting the passage of an act confirming the act of the Legislative Assembly of the State of North Dakota, donating and granting section 36, in township 133 north, of range 48 west, of the 5th principal meridian, to the Academy of Science, at the city of Wahpeton, Richland county; and to also authorize and allow said State of North Dakota to select some other section in lieu of the said section so donated and granted to said Academy of Science.

*Be it Resolved by the Senate, the House of Representatives Concurring:* That a properly certified and attested copy of the following memorial be forwarded to our Representative and Senators in Congress, who are hereby respectfully requested to urge the passage of an act of Congress in accordance with this memorial, to-wit:

*To the Honorable, the Congress of the United States:*

The people of the State of North Dakota, in Legislative Assembly convened, respectfully request your honorable body to pass an act confirming the

act of the Legislative Assembly of the State of North Dakota, donating and granting section 36, in township 188 north, of range 48 west of the 5th principal meridian, to the Academy of Science, at the city of Wahpeton, in said Richland county; and also authorizing and allowing said State of North Dakota to select some other section in lieu of the section so donated and granted to said Academy of Science.

Which the House has passed.

J. G. HAMILTON,  
Chief Clerk.

#### COMMITTEE REPORTS.

The Committee on Elections made the following report:

MR. PRESIDENT:

Your Committee on Elections to whom was referred the contest case of W. E. Swanston vs. James McCormick for the seat in the State Senate from the Twenty-first Senatorial district in the Second Legislative Assembly of the State of North Dakota,

Have had the same under consideration, and after carefully reviewing the evidence, your committee have found that about seven illegal votes were cast for contestee, and over twenty others alleged, but as to the latter number the evidence was not of the best, being largely hearsay and somewhat contradictory. There appeared also to have been quite a number of votes cast in Lake township in excess of the number of electors purporting to have resided in said township on November 4, 1890, and but one witness was introduced to substantiate the fact, and his evidence was apparently unwillingly obtained.

The statutory certificate required to be appended to depositions was also irregular on the part of contestant.

Contestee also proved several illegal votes against contestant, but the case was closed when about half of contestee's evidence was heard, by mutual consent of your committee.

After carefully reviewing all the evidence adduced and making due allowance for the peculiar conditions surrounding this contest, your committee is of the opinion that the contestant has failed to make a good case and recommend that James McCormick retain his seat.

H. F. ARNOLD,  
Chairman.

Mr. Arnold moved

That the report of the committee be adopted.

Mr. LaMoure moved as an amendment

That the evidence in the case be submitted to the Senate in Committee of the Whole, and that counsel in the case be allowed the privilege of argument.

The hour having arrived for the taking up of Senate Bill No. 1, on special order,

Mr. Haggart moved

That Senate Bill No. 1 be taken up,

Which motion prevailed, and

Senate Bill No. 1,

A bill for an act designating and appropriating section 36, in township 140, of range 49, in the county of Cass, for the use of the State Agricultural College as a site for that institution,

Was read the third time.

Mr. Kinter moved

To amend the bill by adding the following proviso:



*Provided*, That the Board of Directors of such Agricultural College shall enter into a written agreement with the State of North Dakota that when the 90,000 acres, or major portion thereof, of the land donated by the United States, as stipulated in the enabling act, shall come into the possession of said Agricultural College, they shall convey by deed to the State of North Dakota, for the use of the common schools, a sufficient number of acres of such land to enable the State to fully compensate the department of common schools for the section of land donated by this act to said Agricultural College; *Provided further*, That the selection of such lands shall be made by three of the county superintendents of schools of the State selected and appointed by the Superintendent of Public Instruction, and shall be in the judgment of such county superintendents under oath of the value at the time such selections are made as the section donated to said agricultural college by this act; *Provided, further*, That it shall be the duty of the Governor of the State to notify the Superintendent of Public Instruction when such lands are properly and legally in the possession of such agricultural college; whereupon the Superintendent of Public Instruction shall at once name such county superintendents of schools, notifying them at the same time to meet on a day named on the land so donated, when, after being duly sworn, they shall appraise said section of land, fixing on the same a cash value exclusive of all buildings and improvements, after which they shall proceed to select from the said 90,000 acres or fraction thereof, a sufficient number of acres of equal cash value to offset and be of the gross value of such section of land donated to said agricultural college by this act.

Mr. Haggart moved

That the amendment be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes 25, nays 6.

Those who voted in the affirmative were:

Messrs—

Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Fuller,  
Haggart,  
Ink,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F'ks,  
McCormick, Ramsey,  
McGillivray,

Messrs—

Miller,  
Nelson,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—

Almen,  
Arnold,

Messrs—

Enger,  
Kinter,

Messrs—

Kuhn,  
Palmer.

So the amendment was indefinitely postponed.

The question recurring on the final passage of the bill,

The roll being called there were ayes 27, nays 3.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F'ks,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Messrs Kinter and Palmer voting in the negative.

Mr. Almen being absent and not voting.

So the bill passed, and the title was agreed to.

Mr. Haggart moved

That the vote by which the bill was passed be reconsidered,  
and that the vote to reconsider be laid upon the table,

Which motion prevailed.

COMMITTEE ON ELECTIONS.

The report of the Committee on Elections was again taken up.

Mr. Arnold moved

That the amendment of Mr. LaMoure be indefinitely postponed,

Which motion was lost.

The question recurring on Mr. LaMoure's amendment,  
The roll being called there were ayes 16, nays 14.

Those who voted in the affirmative were:

Messrs —	Messrs—	Messrs—
Bidlake,	Haggart,	McGillivray,
Bisbee,	LaMoure,	Miller,
Bjorgo,	Little,	Nelson,
Brynjolfson,	Lowry,	Palmer,
Engle,	McCormack of G F'ks	Worst.
Fuller,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Almen,	Johnson of Trail,	Pinkham,
Arnold,	Johnson of Ward,	Svennungsen,
Cashel,	Kinter,	Svensrud,
Enger,	Kuhn,	Weiser.
Ink,	Patch,	

Mr. McCormick of Ramsey being excused.

So the amendment was adopted.

Mr. LaMoure moved

That the report of the Committee on Elections be made a  
special order for to-morrow morning at 10 o'clock.

Mr. Pinkham moved as an amendment

That it be made a special order for this evening at 7:30 o'clock.

Mr. LaMoure agreed to the amendment, and the amendment  
was adopted.

Mr. Haggart introduced the following resolution:

*Resolved*, That it is the sense of the Senate that the President should at  
once appoint five committee clerks, and the following are recommended: Bert  
Hill, C. E. Stowers, Theo. Albright, A. E. Wood, R. P. McCullen.

Mr. Miller moved

That the resolution be adopted.

Mr. McCormick of Ramsey moved as an amendment  
That it be laid over until to-morrow,  
Which amendment was lost.

The question then recurring on the original motion, it was adopted.

Mr. McCormack of Grand Forks moved  
That the Hon. M. N. Johnson be invited to a seat within the  
bar of the Senate,  
Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Svensrud introduced—  
Senate Bill No. 37,  
A bill for an act in relation to the collection of personal property taxes for the year 1890,  
Which was read the first time.

Also,  
Senate Bill No. 38,  
A bill for an act to provide a compensation for sheep inspectors,  
Which was read the first time.

Mr. Weiser introduced—  
Senate Bill No. 39,  
A bill for an act to require county commissioners to give and file a bond,  
Which was read the first time.

Also,  
Senate Bill No. 40,  
A bill for an act to amend Section 1 of an act, entitled "An Act extending the time of payment of taxes for the year 1890,"  
Which was read the first time.

Mr. Johnson of Ward introduced—  
Senate Bill No. 41,  
A bill for an act to amend Sections 7, 10 and 15 of Chapter 91, General Laws of 1890, relating to marriage license,  
Which was read the first time.

Also,  
Senate Bill No. 42,  
A bill for an act to restrain certain State, county, city, township and school officers to speculate in their respective offices,

Mr. Ink introduced—  
Senate Bill No. 43,  
A bill for act to repeal Section 27 of an act passed at the First Session of the Legislative Assembly, entitled "An Act to provide for the organization and government of State banks,"

Mr. Kinter introduced—

Senate Bill No. 44,

A bill for an act to amend Sections 4 and 10 of Chapter 185, an act to prevent the spread of contagious and infectious diseases among domestic animals,

Mr. McGillivray introduced—

Senate Bill No. 45,

A bill for an act to prevent the branding of horses, mules, asses and cattle during certain seasons of the year,

Mr. Cashel moved

That two additional clerks be appointed,

Which motion was adopted.

Mr. Johnson of Ward moved

That a committee of five be appointed on sheep-husbandry.

Mr. McGillivray moved as an amendment

That the committee be known as the Stock Committee.

The amendment was accepted by Mr. Johnson, and the motion, as amended, was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
January 14, 1891.

MR. PRESIDENT:

I have the honor to notify the Senate that the House has adopted the report of the Special Committee appointed to investigate the Gray Bros.' contract and bond for sinking an artesian well at the Asylum for the Insane at Jamestown, which recommends the appointment of a Joint Committee of five, three from the House and two from the Senate, to inquire into the abstraction of the Gray Bros.' bond and contract from the files of the Insane Asylum, and to further report that the Speaker has designated as such committee on the part of the House, Messrs. Kearney, Oliver and Thompson.

J. G. HAMILTON,  
Chief Clerk.

There not being a quorum present,

Mr. Pinkham moved a call of the house,

Which motion was adopted.

Mr. Pinkham moved

That further proceedings under call of the house be dispensed with,

Which motion prevailed.

The Lieutenant Governor appointed as additional clerks H. A. Sorley and C. P. Lawrence.

Mr. Pinkham moved

That the Senate do now adjourn until 7:30 o'clock p. m.,

Which motion prevailed, and  
The Senate adjourned.

### EVENING SESSION.

The Senate met pursuant to adjournment at 7:30 o'clock p. m.  
The Lieutenant Governor presiding.

Mr. LaMoure moved

That the Senate proceed in open session to consider the election contest of Swanston vs. McCormick of Ramsey,  
Which motion prevailed.

Mr. Cashel moved

That the case be commenced at the beginning and continued until interrupted by a member of the Senate or attorney, when such objections shall be acted upon by the Senate.

Mr. Ink moved

To amend by adding the following:

That no evidence be accepted by the Senate except the evidence contained in the depositions, and that the case be considered according to the statute,

Which amendment prevailed, and  
The motion as amended prevailed.

Mr. McCormick of Ramsey moved

That Mr. J. M. Cochrane be allowed, before the testimony is commenced, to offer such objections as he sees fit.

Mr. LaMoure moved

To amend by adding the words, "and that the attorney for the other side be also allowed to offer such objections as he sees fit,"

Which amendment prevailed, and

The motion of Mr. McCormick of Ramsey as amended prevailed.

Mr. Cochrane, the attorney for Mr. McCormick of Ramsey, moved

That the deposition or affidavit of E. A. Maglone be stricken from the files on the ground that it was not taken in the manner prescribed by law.

Mr. Cashel moved

That the objection of the attorney for the contestee be sustained.

Roll call demanded.

The roll being called there were ayes 15, nays 10.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Cashel,  
Enger,  
Ink,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Palmer,

Messrs—

Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser.

Those who voted in the negative were:

Messrs—

Bisbee,  
Engle,  
Fuller,  
Haggart,

Messrs—

LaMoure,  
Lowry,  
McGillivray,

Messrs—

Miller,  
Nelson,  
Worst.

Absent and not voting:

Messrs—

Bidlake,  
Bjorgo,

Messrs—

Brynjolfson,  
Little,

Messrs—

McCormack of G F's

So the motion of Mr. Cashel prevailed.

Mr. Kinter moved

That Mr. McCormick of Ramsey be allowed to retain his seat.

Mr. Haggart moved a call of the house.

Mr. Pinkham moved

That further proceedings under call of the house be dispensed with,

Which motion prevailed.

Mr. LaMoure moved

That the Senate do now adjourn,

Which motion was lost.

Mr. LaMoure moved

That the Senate take a recess until to-morrow at 10 o'clock,

Which motion was lost.

The roll was called on Mr. Kinter's motion.

Mr. LaMoure moved

That Senator Worst be excused from voting,

Which motion was lost.

Mr. Kinter moved

That Senator LaMoure be excuse from voting,

Which motion prevailed.

The roll being called there were ayes 16, nays 7.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Cashel,  
Enger,  
Ink,  
Johnson of Traill,

Messrs—

Johnson of Ward,  
Kinter,  
Kuhn,  
Lowry,  
Palmer,

Messrs—

Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser.

Those who voted in the negative were:

Messrs—

Bisbee,  
Engle,  
Haggart,

Messrs—

McGillivray,  
Miller,

Messrs—

Nelson,  
Worst.

Absent and not voting:

Messrs—

Bidlake,  
Bjorgo,  
Brynjolfson,

Messrs—

Fuller,  
Little,

Messrs—

McCormack, G. F<sup>ks</sup>,  
McCormick, Ramsey.

Mr. LaMoure being excused from voting.

Messrs. Haggart, Nelson and Worst explaining their votes.

So the motion prevailed.

Mr. Ink moved

That the vote by which Mr. McCormick of Ramsey was seated be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Cashel moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

## TENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 15, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Nelson, who was excused.

The Journal of the preceding day was read.

Mr. Worst moved

That that portion of the Journal on pages 9 and 10, beginning with the paragraph "Mr. Kinter moved," and ending with the motion made by Mr. Ink, be expunged.

Mr. Cashel moved as a substitute

That the Journal as read stand approved.

Roll call demanded.

The roll being called there were ayes 17, nays 13.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Brynjelfson,  
Cashel,  
Enger,  
Ink,

Messrs—

Johnson of Trail,  
Johnson of Ward,  
Kinter,  
Kuhn,  
McCormick, Ramsey,  
Palmer,

Messrs—

Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser.

Those who voted in the negative were:

Messrs—

Bidlake,  
Bisbee,  
Bjorgo,  
Engle,  
Fuller,

Messrs—

Haggart,  
LaMoure,  
Little,  
Lowry.

Messrs—

McCormack, G. F's,  
McGillivray,  
Miller,  
Worst.

Mr. Nelson being excused.

So the substitute motion prevailed.



## PETITIONS AND COMMUNICATIONS.

The following communication was received from the Secretary of State:

*To the Honorable the President of the Senate of North Dakota:*

DEAR SIR: I have the honor to inform you that in due compliance with a resolution passed by your honorable body, I have furnished the requisite number of volumes of the Session Laws of 1890 and of the Compiled Laws for the use of the members of the Senate. I beg leave to further state that there are no copies of the Session Laws of 1889 in this department, but arrangements can be made for their purchase, at \$2 per volume, when authority by legislative enactment is given.

I have the honor to be yours, most respectfully,  
JOHN FLITTIE,  
Secretary of State.

The communication was referred to the Committee on Ways and Means.

The President announced the following Standing Committee on Stock:

Messrs. Johnson of Ward, Miller, Bisbee, Worst and McGillivray.

The Senate returned to the Sixth order of business.

The Committee on Public Lands made the following report:

MR. PRESIDENT:

Your Committee on Public Lands to whom was referred Senate Bill No. 29,

A bill for an act to donate and grant section 36, in township 133, in range 48, west of the 5th principal meridian,

Have had the same under consideration and by a vote of four ayes to three nays recommend that said bill do pass.

FRANK PALMER,  
Chairman.

## INTRODUCTION OF BILLS, JOINT RESOLUTIONS, MEMORIALS, ETC.

Mr. Fuller introduced (by request)—

Senate Bill No. 46,

A bill for an act attaching and annexing the county of Church in the Second Judicial District of the State of North Dakota to the county of Pierce in said judicial district and State for judicial and other purposes,

Which was read the first time.

Also,

Senate Bill No. 47,

An act to establish a standard of weights and measures for the State of North Dakota, and providing penalties for the violation thereof,

Which was read the first time.

Mr. LaMoure was called to the chair.

Mr. Bidlake introduced—

Senate Bill No. 48,

A bill for an act making appropriations to carry out the provisions of Chapter 188 of the Laws of 1890, being an act entitled, "An Act to regulate warehouses, inspection, weighing and handling of grain,

Which was read the first time.

Mr. Bisbee introduced—

Senate Bill No. 49,

A bill for an act relating to the sale of property under an execution, decree, mortgage or lien,

Which was read the first time.

Mr. McCormack of Grand Forks introduced—

Senate Bill No. 50.

A bill for an act proposing an amendment to Section 182 of Article 12 of the Constitution of the State of North Dakota,

Which was read the first time.

#### CONSIDERATION OF MESSAGES FROM THE HOUSE

The following message from the House was considered:

HOUSE OF REPRESENTATIVES, {  
January 14, 1891. }

MR. PRESIDENT:

I have the honor to notify the Senate that the House has adopted the report of the Special Committee appointed to investigate the Gray Bros.' contract and bond for sinking an artesian well at the Asylum for the Insane at Jamestown, which recommends the appointment of a Joint Committee of five, three from the House and two from the Senate, to inquire into the abstraction of the Gray Bros.' bond and contract from the files of the Insane Asylum, and to further report that the Speaker has designated as such committee on the part of the House, Messrs. Kearney, Oliver and Thompson.

J. G. HAMILTON,  
Chief Clerk.

Mr. Worst moved

That the President be authorized to appoint two members to complete the Joint Committee.

Which motion prevailed.

#### SECOND READING OF SENATE BILLS.

Senate Bill No. 33,

A bill for an act to fix the maximum rate that railroad companies may charge for the transportation of coal mined within the State of North Dakota,

Was read the second time, and referred to the Committee on Railroads.

**Senate Bill No. 34,**

A bill for an act authorizing and empowering the Governor, State Auditor and State Treasurer to issue bonds to pay the State of North Dakota's share of the indebtedness of the Territory of Dakota as determined by the Joint Commission of North and South Dakota, appointed pursuant to law,

Was read the second time, and referred to the Committee on Ways and Means.

**Senate Bill No. 35,**

A bill for an act providing for the cancellation of certain illegal taxes on railroad grant lands upon which the United States survey fees had not been paid and describing the manner in which it shall be done,

Was read the second time, and referred to the Committee on Judiciary.

**Senate bill No. 36,**

A bill for an act defining the boundaries of the Fifth judicial district, subdividing the same and fixing the time for holding the terms of the district court therein,

Was read the second time, and referred to the Committee on Judiciary.

**Senate Bill No. 37,**

A bill for an act in relation to the collection of personal property taxes for the year 1890,

Was read the second time, and referred to the Committee on State Affairs.

**Senate Bill No. 38,**

A bill for an act to provide a compensation for sheep inspectors,

Was read the second time, and referred to the Committee on Ways and Means.

**Senate Bill No. 39,**

A bill for an act to require county commissioners to give and file a bond,

Was read the second time, and referred to the Committee on Judiciary.

**Senate Bill No. 40,**

A bill for an act to amend Section 1 of an act, entitled "An Act extending the time of payment of taxes for the year 1890,"

Was read the second time, and referred to the Committee on Way and Means.

**Senate Bill No. 41,**

A bill for an act to amend Sections 7, 10 and 15, of Chapter 91, General Laws of 1890, relating to marriage license,

Was read the second time and referred to the Committee on Judiciary.

## MESSAGES FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
January 15, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 1,

A bill for an act designating and appropriating section 36, in township 146, of range 49, in the county of Cass, for the use of the State Agricultural College, as a site for that institution, which the House has passed.

Also,

House Bill No. 28,

A bill for an act to donate and grant section 36, in township 135, north of range 56, west of the 5th principal meridian, being in the county of Ransom and State of North Dakota, to the Soldiers' Home, located at the city of Lisbon, county of Ransom,

Which the House has passed, and your favorable consideration thereof is respectfully requested.

Respectfully,

J. G. HAMILTON,  
Chief Clerk.

The President *pro tem.* was called to the chair.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 3,

A bill for an act regulating practice in the Supreme Court,  
Was read the third time.

Mr. Ink moved

That the rules be suspended and that Senate Bill No. 29 be read the third time and placed upon its final passage,

Which motion prevailed, and

Senate Bill No. 29,

A bill for an act to donate and grant section 36, in township 133, in range 48, west of the 5th principal meridian,

Was read the third time and placed upon its final passage.

The roll being called there were ayes 23; nays 7.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Bisbee,  
Brynjolfson,  
Cashel,  
Engle,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack of G.Fk's  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Patch.  
Pinkham,  
Svensrud,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—

Almen,  
Bjorgo,  
Enger,

Messrs—

Johnson of Ward,  
Kinter,

Messrs—

Palmer,  
Svennungsen.

Mr. Nelson being excused.

Messrs. Kinter, Almen and Johnson of Traill explaining their votes.

So the bill passed, and the title was agreed to.

Mr. Ink moved

That the vote by which the Senate Bill No. 29 was passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

The question recurring on the final passage of Senate Bill No. 3,  
The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,

Messrs—

Fuller,  
Haggart,  
Ink,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Swensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Johnson of Traill,

Messrs—

LaMoure,

Messrs—

McCormack, G. F<sup>ks</sup>

Mr. Nelson being excused.

So the bill passed, and the title was agreed.

Mr. Little moved

That the vote by which Senate Bill No. 3 was passed be reconsidered, and that the motion to reconsider be laid upon the table.

Which motion prevailed.

Senate Bill No. 9,

A joint resolution and memorial to the President of the United States, the Secretary of War and both branches of the National Congress, asking for enlargement of Fort Abraham Lincoln and increase of number of troops at such post,

Was read the third time and placed upon its final passage.

The roll being called there were ayes 23, nays 1.

Those who voted in the affirmative were:

## Messrs—

Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,

## Messrs—

Ink,  
Johnson of Ward,  
Kinter,  
Little,  
Lowry,  
McCormack, G. F'ks  
McGillivray,  
Miller,

## Messrs—

Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Mr. Almen voted in the negative.

Mr. Nelson being excused.

So the bill passed, and the title was agreed to.

The Committee on Elections and Privileges asked instructions from the Senate as to whether they should proceed with the contest cases.

Mr. Little moved

That the contests now pending before the Senate be investigated by the Committee on Elections and Privileges,

Which motion prevailed.

Mr. Ink moved

That the rules be suspended, and that House Bills be read the first and second times and referred,

Which motion prevailed.

## FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 28,

A bill for an act to donate and grant section 36, in township 135 north, of range 56 west of the 5th principal meridian, being in the county of Ransom and State of North Dakota, to the Soldiers' Home, located at the city of Lisbon in said Ransom county,

Was read the first and second times, and referred to the Committee on Public Lands.

The Senate returned to the Sixth order of business.

The Committee on Enrolled and Engrossed Bills made the following report:

## MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Senate Bill No. 1,

A bill for an act designating and appropriating section 36, in township 140 of range 49 west, in the county of Cass, for the use of the State Agricultural College, as a site for that institution,

And find the same correctly enrolled and engrossed.

R. N. INK.

Chairman.

The President pro tem. announced his signature to Senate Bill No. 1,

A bill for an act designating and appropriating section 36, in township 140 of range 49 west, in the county of Cass, for the use of the State Agricultural College, as a site for that institution.

Mr. Haggart moved  
That the Senate do now adjourn,  
Which motion prevailed, and  
The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

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### ELEVENTH DAY.

SENATE CHAMBER,  
BISMARCK NORTH DAKOTA,  
January 16, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

The Journal of the preceding day was read and approved.

Mr. McCormack of Grand Forks moved

That the Journal of the eighth day be read,

Which motion prevailed, and

The Journal of the eight day was read and approved.

### PETITIONS AND COMMUNICATIONS.

The President announced the following members of the Joint Committee on the matter of Gray Bros.' bond, Messrs. Kuhn and Palmer.

The following communication was received from the State Auditor:

MR. PRESIDENT:

I have the honor to acknowledge the receipt of a communication from the Senate requesting the State Auditor to furnish an itemized statement of the expenditures, included in the accounts "Maintenance of State Capitol" \$15,506.62, also "Miscellaneous warrants for general purposes," \$7,313.97 and have to reply that the item of \$15,506.62 is composed of "fuel and lights," \$2,129.05, as appears on Page 66 of my printed report, also the sum of \$5,338.68 expended out of the appropriation up to March 8, 1890, as appears on Pages 67, 68 and 69, and the further sum of \$3,038.89 of the appropriation from March 8 as appears on Pages 69, 70 and 71.

The "Miscellaneous warrants issued for general purposes," amounting to the sum of \$7,318.97, which are not enumerated in the "Receipts and Disbursements" on pages 5 and 6, is made up of and embraces the following accounts, all of which are printed in my report, viz.:

- Deaf and Dumb School.
- State Board of Health.
- Board of University and School Lands.
- Publishing Constitution.
- State Board of Equalization.
- Board of Agriculture.
- Forest Tree Culture.
- Teachers' Institutes.
- State Normal Schools.
- Listing United States Lands for Taxation.
- Burial of Soldiers and Sailors.
- Traveling Expenses of Railroad Commissioners.
- Long's Legislative Hand Book.
- State Veterinary Surgeon.
- Document Fund.

I hand you herewith original vouchers aggregating the sum total of \$15,506.62, properly approved by the Governor and other officers, as contemplated by law, for which a warrant has issued in payment from this department.

By reference to pages 70 and 71 of my report you will find charged to the "Capitol Maintenance account," supplies, etc., furnished the Governor, Secretary of State, State Treasurer, Attorney General, Auditor, Superintendent of Public Instruction, Commissioner of Insurance, Railroad Commissioners and Commissioner of Agriculture and Labor, amounting to the sum of \$5,066.22, which was audited and paid for agreeable to the provisions of Section 2 of Chapter 8 of the Laws of 1890, and charged to the "Capitol Maintenance account" for the purpose of showing the exact amount paid for services, stationery, supplies, etc., in each department for the fiscal year ending October 31, 1890.

On pages 49, 50, 52, 53, 54, 55, 57, 59, 60 and 61, you will find a detailed statement showing the amount of each warrant issued in payment of the expenses of the several departments, viz: \$5,066.22, which, taken from the total \$8,038.89, shows an expenditure of \$2,972.67 on account of "Maintenance of Capital—new account."

Owing to the limited amount allowed for clerk hire in this department I am compelled to transmit to you the original vouchers in lieu of the itemized statement asked and would suggest that care be taken to carefully protect and preserve the same as they are the original records of this department.

Trusting this to be such information as is desired by resolution of your honorable body, I beg to remain,

Very respectfully  
JOHN P. BRAY,  
State Auditor.

Mr. Pinkham moved

That the communication be received and laid over until printed in the Journal.

Mr. McCormack of Grand Forks moved as a substitute

That the communication be referred to the Committee on State Affairs,

Which motion prevailed.

#### REPORTS OF STANDING COMMITTEES.

The Committee on Elections made the following report:

MR. PRESIDENT:

Your Committee on Elections to whom was referred the con-



test of John W. Bennett against Anton Svensrud have received and submit herewith a petition from said contestant, with the recommendation that said petition be granted.

H. F. ARNOLD,  
Chairman.

STATE OF NORTH DAKOTA. }  
Twenty-Eighth Senatorial and Representative District. }

In the matter of the contest of John W. Bennett against Anton Svensrud for the seat in the State Senate from said district in the Second Legislative Assembly of said State, convening at Bismarck, in said State, on the first Tuesday after the first Monday in January, 1891.

*To the Honorable, the State Senate of North Dakota:*

GENTLEMEN: The undersigned, John W. Bennett, contestant above named, respectfully show to your honorable body:

That this contest was commenced in good faith by said contestant; that he employed attorneys residing in the counties of Pierce and McHenry, to look after his interests in said contest, and to investigate the merits thereof. That said counties of McHenry and Bottineau comprise said Twenty-eighth Senatorial and Representative district. That the county giving the larger majority against this contestant, and in favor of said contestee was the county of McHenry. That contestant was advised and verily believed that gross fraud, irregularities, illegalities and bribery were carried on in said county of McHenry in favor of said contestee and against this contestant, and it was upon such information and belief that this contest was instituted. That contestant instructed his attorney, in McHenry county to investigate said fraud, bribery, etc., and to reduce the same to evidence and testimony, that the same might be produced before your honorable body, to be used in this contest in order that justice might be done.

That contestant and his attorney, E. A. Maglone, have made a thorough and careful examination of the testimony taken in said McHenry county touching the merits of this contest, and after careful examination are convinced that the allegations set forth in contestant's notice of contest as to said McHenry county, have not been proved, though contestant is of the opinion that vast sums of money were used to influence and bribe electors to vote against him for said office of State Senator.

Wherefore, contestant respectfully begs leave to withdraw this contest against the seat of said Anton Svensrud and requests that all papers filed herein in the office of the Secretary of State by this contestant may be returned to him.

JOHN W. BENNETT,  
Contestant.

Dated January 15. 1891.

Mr. Worst moved

That the report of the committee be adopted,  
Which motion prevailed.

Mr. Worst moved

That the papers in the contest cases of Swanston vs. McCornick and Bennett vs. Svensrud be returned to the principals therein,

Which motion prevailed.

The Committee on Public Lands made the following report:

MR. PRESIDENT:

Your Committee on Public Lands to whom was referred  
House Bill No. 28,

A bill for an act to donate and grant section 36, in township 135 north, of range 56 west, of the 5th principal meridian, to the Soldiers' Home located at the city of Lisbon in said Ransom county,

Have had the same under consideration and by a vote of four ayes to two nays recommend that the same do pass.

FRANK PALMER,  
Chairman.

Mr Ink moved  
That the report be adopted,  
Which motion prevailed, and  
The report was adopted.

MR. PRESIDENT:

Your committee on Judiciary to whom was referred  
Senate Bill No. 19,

A bill for an act entitled "An act paroling prisoners."

Have had the same under consideration, and recommend that the same do pass.

Also,  
Senate Bill No. 39,

A bill for an act entitled "An Act to require County Commissioners to give and file a bond,"

Have had the same under consideration and recommend that it be amended as follows, to-wit,

Amend line 4 of Section 1, by striking out the word "clerk," where it appears in said line and inserting the word "judge" in lieu thereof, strike out Sections 3 and 4.

And when so amended recommend that said bill do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
To adopt the report,  
Which motion prevailed, and  
The report was adopted.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills respectfully report that

Senate Bill No. 1,

A bill for an act designating and appropriating section 36, in township 140, of range 49 west, in the county of Cass, for the use of the State Agricultural College as a site for that institution,

Was delivered to his Excellency, the Governor, for his approval, at the hour of 2:12 o'clock p. m., January 16, 1891.

R. N. INK,  
Chairman.

Mr. McCormack of Grand Forks moved

To adopt the report,  
Which motion prevailed, and  
The report was adopted.

Messrs. Svenningsen and Brynjolfson were excused.

Mr: Almen introduced the following resolution:

*Resolved*, That the Attorney General be and he is hereby requested to give his opinion in writing to the Senate, as to whether the Legislative Assembly has the power under the Constitution, with the consent of Congress, to grant to the several State institutions sections of land donated to the State by Congress for school purposes.

Mr. Worst moved

That the resolution be accepted and referred to the Attorney General for his opinion, and that he be requested to return his opinion to the Senate,

Which motion prevailed.

Mr. Palmer moved

That the President of the Senate be authorized to appoint Messrs. T. H. Oksendahl and W. W. Barrett as members of the clerical force of the Senate,

Which motion prevailed.

Mr. Haggart moved

That fifty extra copies of Senate Bill No. 49 be printed for general distribution,

Which motion prevailed.

Mr. McGillivray introduced the following resolution:

WHEREAS: It has come to the knowledge of this Senate that many of its members have been annoyed by public servants of the Federal Government, in offering inducements and otherwise influencing or trying to influence the convictions of the representatives of the people in their duty of, and choice in, electing a Senator of the United States: and

WHEREAS: The Statutes of the United States (notably the Civil Service Laws) prohibits public officials in the employ of the Government from using their influence as such officials in manipulating and controlling elections, and

WHEREAS, Both the great political parties have pledged in their platforms a strict enforcement of said civil service laws; and,

WHEREAS, The presence at this time at the Capital of the State of the United States Marshal and many of his deputies, the District Attorney of the Federal Court, the Supervisor of the Federal Census and assistants, the Collector of Internal Revenue and deputy, the State Statistician, one of the Indian Commissioners and Indian agents and government contractors for Indian supplies, post traders, Indian agents' clerks, registers and receivers of U. S. land offices, and other Federal employes, has the appearance of disregard of the laws they have sworn to uphold and the best interests of the people; therefore, be it

*Resolved*, That a proper sense of duty should suggest to these public functionaries that they return at once to their respective duties and leave to the representatives of the people, whose sole duty it is, the election of a United States Senator, unhampered by any corrupt or mercenary influences, and be it further

*Resolved*, That a copy of these resolutions, duly authenticated, be for-

warded by the Secretary of State to each of the following, viz: The President of the United States, the President of the United States Senate, the Speaker of the House of Representatives and the Chairman of the Civil Service Commission.

Mr. Miller moved

That the resolution be adopted.

Mr. Little moved

That the motion be laid upon the table.

Roll call demanded

The roll being called there were ayes 17, nays 14.

Those who voted in the affirmative were:

Messrs—

Almen  
Arnold,  
Bjorgo,  
Cashel,  
Enger,  
Fuller

Messrs—

Ink  
Johnson of Traill,  
Johnson of Ward,  
Kuhn,  
LaMoure  
Little,

Messrs—

Lowry,  
McCormick, Ramsey,  
Pinkham,  
Svensrud,  
Worst.

Those voting in the negative were:

Messrs—

Bidlake,  
Bisbee,  
Brynjolfson,  
Engle,  
Haggart,

Messrs—

Kinter,  
McCormack G. Fk's,  
McGillivray,  
Miller,  
Nelson,

Messrs—

Palmer,  
Patch,  
Svennungsen,  
Weiser.

Mr. Worst explaining his vote.

So the motion to lay upon the table prevailed.

#### INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Cashel introduced—

Senate Bill No. 52,

A bill for an act providing for the submission to amend Sections 82, 83 and 84 of Article 3 of the Constitution of the State of North Dakota, entitled "Executive Department," abolishing the office of Commissioner of Agriculture and Labor,

Which was read the first time.

Mr. Miller introduced—

Senate Bill No. 53,

A bill for an act to fix the compensation of the judges of the county courts, county auditors and county superintendents of schools in counties having a population of less than 1,000,

Which was read the first time.

Mr. Weiser introduced—

Senate Bill No. 54,

A Joint Resolution and Memorial to the Legislature of Minnesota,

Which was read the first time.

Mr. McGillivray introduced—

Senate Bill No. 55,

A bill for an act to prevent the illegal branding, killing, stealing, maiming or driving stock, the property of another person, from their accustomed range, in the State of North Dakota,

Which was read the first time.

Mr. Ink introduced—

Senate Bill No. 56,

A bill for an act repealing Chapter 188 of the Laws of 1890, entitled "An Act to regulate warehouses, inspection, weighing and handling of grain," approved March 31, 1890,

Which was read the first time.

Also,

Senate Bill No. 57,

A bill for an act repealing Chapter 187 of the Laws of 1890,

Which was read the first time.

COMMUNICATION FROM THE GOVERNOR.

EXECUTIVE OFFICE, }  
January 16, 1890. }

The following communication was received from the Governor:  
*To the President of the Senate:*

I have this day, Friday, January 16, 1891, at 2:16 p. m., approved

Senate Bill No. 1,

Entitled "An act designating and appropriating section 36, in township 140, of range 49 west, in the county of Cass, for the use of the State Agricultural College, as a site for that institution."

Respectfully,

ANDREW H. BURKE.  
Governor.

The Senate returned to the Eighth order of business.

Mr. Haggart moved

That on next Monday at 3 o'clock p. m. the Governor's Message be considered as a special order,

Which motion prevailed.

Mr. Fuller offered the following resolution:

*Resolved*, That the enrolling and engrossing force be increased by the appointment of Mr. Sinclair of Stutsman county.

Which motion prevailed.

SECOND READING OF SENATE BILLS.

Senate Bill No. 42,

A bill for an act to restrain certain State, county, city, township and school officers to speculate in their respective offices,

Was read the second time, and referred to the Committee on State Affairs.

**Senate Bill No. 43,**

A bill for an act to repeal Section 27 of an act passed at the First Session of the Legislative Assembly, entitled "An Act to provide for the organization and government of State banks,"

Was read the second time, and referred to the Committee on Banks and Banking.

**Senate Bill No. 44,**

A bill for an act to amend Sections 4 and 10 of Chapter 185, an act to prevent the spread of contagious and infectious diseases among domestic animals,

Was read the second time, and referred to the Committee on Public Health.

**Senate Bill No. 45,**

A bill for an act to prevent the branding of horses, mules, asses and cattle during certain seasons of the year,

Was read the second time, and referred to the Committee on Agriculture.

**Senate Bill No. 46,**

A bill for an act attaching and annexing the county of Church in the Second Judicial District of the State of North Dakota to the county of Pierce is said judicial district and State for judicial and other purposes,

Was read the second time, and referred to the Committee on Judiciary.

**Senate Bill No. 48,**

A bill for an act making appropriations to carry out the provisions of Chapter 188 of the Laws of 1890, being an act entitled "An Act to regulate warehouses, inspection, weighing and handling of grain,"

Was read the second time, and referred to the Committee on Appropriations.

**Senate Bill No. 49,**

A bill for an act relating to the sale of property under an execution, decree, mortgage or lien,

Was read the second time, and referred to the Committee on Judiciary.

**Senate Bill No. 50,**

A bill for an act proposing an amendment to Section 182 of Article 12 of the Constitution of the State of North Dakota,

Was read the second time, and referred to the Committee on Ways and Means.

**Mr. Ink moved**

That the rules be suspended and that House Bill No. 28 be placed upon its third reading and final passage,

Which motion prevailed, and

**House Bill No. 28,**

A bill for an act to donate and grant section 36, in township

135 north, of range 56 west of the 5th principal meridian, being in the county of Ransom and State of North Dakota, to the Soldiers' Home, located at the city of Lisbon in said Ransom county,

Was read the third time, and placed upon its final passage.

The roll being call there were ayes 23, nays 6.

Those who voted in the affirmative were:

Messrs—

Bidlake,  
Bisbee,  
Bjorgo,  
Cashel,  
Engle,  
Fuller,  
Haggart,  
Ink,

Messrs—

Johnson, of Traill,  
Johnson, of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F'ks,

Messrs—

McGillivray  
Miller,  
Nelson,  
Patch,  
Pinkham,  
Weiser,  
Worst,

Those who voted in the negative were:

Messrs—

Almen,  
Arnold,

Messrs—

Enger,  
Palmer,

Messrs—

Svennungsen,  
Svensurd.

Messrs Brynjolfson and McCormick, of Ramsey, being absent and not voting.

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which House Bill No. 28 was passed be reconsidered, and that the motion to reconsider be laid upon the table,  
Which motion prevailed.

The Senate returned to the eighth order of business.

Mr. McGillivray moved

That fifty extra copies of Senate Bills Nos. 45 and 55 be printed for general distribution,  
Which motion prevailed.

Mr. Ink moved

That a janitor be appointed for the committee rooms,  
Which motion prevailed, and

The President appointed Mr. Wainwright as janitor of the committee rooms.

Mr. Worst moved

That the Senate do now adjourn.

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

## TWELFTH DAY.

SENATE CHAMBER,  
BISMARCK NORTH DAKOTA,  
January 17, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Svennungsens, who was excused.

The Journal of the preceding day was read and approved.

Mr. Weiser moved

That the resolution introduced by Mr. McGillivray on Friday be expunged from the record.

Roll call demanded.

The roll being called there were ayes 4, nays 23.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Ink,	Svensrud,	Weiser.
Johnson of Traill,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Almen,	Enger,	McCormick, Ramsey,
Arnold,	Fuller,	McGillivray,
Bidlake,	Haggart,	Miller,
Bisbee,	Johnson of Ward,	Nelson,
Bjorgo,	Kinter,	Palmer,
Brynjolfson,	Kuhn,	Patch,
Cashel,	Lowry,	Pinkham.
Engle,	McCormack, G. F'ks,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
LaMoure,	Svennungsens,	Worst.
Little,		

Messrs. LaMoure and Svennungsens being excused.

So the motion was lost.



## PETITIONS AND COMMUNICATIONS.

The following communication was introduced by Mr. Bidlake:  
*To the Senate of the State of North Dakota:*

The undersigned, composing the field, line and staff officers of the National Guard of the State of North Dakota, would respectfully represent:

That on the 15th day of December, 1890, at a meeting of the commissioned officers thereof, held in the city of Fargo, State of North Dakota, called for the purpose of discussing matters relating to the welfare of the National Guard, in view of the threatened outbreak, within the borders of the State, of Indians located on the different reservations, it was unanimously resolved to present and set forth before your honorable body what the needs of the National Guard were, in order to place the same in a condition for active service, based upon a safe and economical standpoint.

We would further represent, that the various companies are in urgent need at the present time, of new uniforms of the regulation pattern, also haversacks, canteens, blanket bags, waist belts, blankets, overcoats, leggings, in order to be fully equipped to carry on an active campaign, in event of insurrection and invasion.

We would further urge the purchase of two Gatling guns immediately for the use of the battery of artillery.

And it is confidently urged upon your honorable body, that if such provision be made, looking to the suitable equipment of the guard, as herein expressed, that said organization will be a credit to the State of North Dakota and will ever be ready to devote its best efforts in maintaining the majesty and supremacy of the law within its borders.

In this connection, we would modestly but proudly assert that at the time of the last threatened outbreak among the Indians in the southern borders of the State, that upon the call from the Executive of this State to be in readiness to repel such invasion, every company officer and enlisted man cheerfully and immediately reported for duty, ready to leave home, fireside and business to aid in the suppression of such invasion.

In witness whereof, the undersigned have hereunto appended their names, for and in behalf of the various companies comprising the National Guard of the State of North Dakota this 15th day of December, 1890, at the city of Fargo, N. D.

WM. DeVoy, Adj. Gen.

WM. A. BENTLEY,

Colonel First Regiment.

W. H. MAKEE,

Major First Battery.

D. N. YORKEY,

Captain Commanding Co. C.

AMASA P. PEAKE,

Captain Commanding Co. G.

E. J. SCHWELLENBACH,

Captain Commanding Co. H.

A. J. HUGHES,

Captain Commanding Battery A.

I. H. WILSON,

Captain Commanding Co. B.

J. F. BRANDT,

First Lieutenant Commanding Co. F.

W. C. FREEMAN,

First Lieutenant Co. C.

THOS. P. HERRON,

First Lieutenant Co. A.

WILL D. WALLACE,

Director First Regimental Band.

J. H. FRAME,

Sergeant Co. C.

GILBERT C. GRAFTON,

First Lieutenant Co. B.

Mr. LaMoure moved  
That the communication be referred to the Committee on  
Military Affairs,  
Which motion prevailed.

MOTIONS, RESOLUTIONS, ETC.

Mr. Haggart moved  
That the resolution introduced by Senator McGillivray yesterday be taken from the table,  
Which motion prevailed.

Mr. Haggart moved  
That the resolution be adopted.  
Roll call demanded.

The roll being called there were ayes 21, nays 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Fuller,	McGillivray,
Arnold,	Haggart,	Miller,
Bidlake,	Kinter,	Nelson,
Bisbee,	LaMoure,	Palmer,
Brynjolfson,	Lowry,	Patch,
Cashel,	McCormack of G F'ks	Pinkham,
Engle,	McCormick, Ramsey,	Weiser.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bjorgo,	Johnson of Traill,	Kuhn,
Enger,	Johnson of Ward,	Svensrud,
Ink,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Little,	Svennungsens,	Worst.

Mr. Svennungsens being excused.

So the motion prevailed.

Mr. McCormack of Grand Forks moved  
That the Secretary of the Senate be instructed to furnish the  
Senators with what ever stationery may be needed.  
Which motion prevailed.

The President announced his signature to  
House Bill No. 28,

A bill for an act to donate and grant section 36, in township 135,  
north of range 56, west of the 5th principal meridian, being in  
the county of Ransom and State of North Dakota, to the Soldiers'  
Home located at the city of Lisbon in said Ransom county,  
Also to

A Memorial to Congress requesting the passage of an act confirm-  
ing the act of the Legislative Assembly of the State of North Dakota,

donating and granting section 36, in township 135, north of range 56, west of the 5th principal meridian, to the Soldiers' Home at the city of Lisbon, and to also authorize and allow said State of North Dakota to select some other section in lieu of the said section so donated and granted to said Soldiers' Home.

Also,

A Memorial and Concurrent Resolution requesting Congress to pass a joint resolution introduced by Representative Hansbrough on the 4th day of December, 1890, appropriating \$500,000 to be expended by direction of the Secretary of Agriculture in the purchase of seed wheat for the benefit of those residents of the State of North Dakota who lost their crops by reason of the drouth of 1890.

Mr. McCormack of Grand Forks moved

That the Sergeant-at-Arms be instructed to see that the janitor of the committee rooms is furnished with brooms and other articles necessary to the proper care of the rooms.

Which motion prevailed.

Mr. Lowry moved

That the courtesies of the floor be extended to the Hon. S. G. Moore and Duncan McLaren of Cass county,

Which motion prevailed.

Mr. McCormack of Grand Forks moved

That the courtesies of the floor be extended to Col. C. A. Lounsbury, the oldest editor in the State.

Which motion prevailed.

Mr. McCormack of Grand Forks moved

That the Sergeant-at-Arms be instructed to rearrange the furniture of the Senate chamber to better facilitate the work of the Senate.

Which motion prevailed.

#### INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Kinter introduced—

Senate Bill No. 51,

A bill for an act for a lien for the service of stallion or bull,

Which was read the first time.

Mr. Haggart introduced—

Senate Bill No. 58,

A bill for an act providing for an appropriation for the erection of buildings for the State Agricultural College and Experimental Station at Fargo, and for current and contingent expenses of the same,

Which was read the first time.

Mr. Johnson of Traill introduced—

Senate Bill No. 59,

A bill for an act providing for an appropriation for the erection

of buildings for the State Normal School at Mayville, North Dakota, and for current and contingent expenses for the same,

Which was read the first time.

Mr. Engle introduced—

Senate Bill No. 60,

A bill for an act providing for an appropriation for a soldiers' home,

Which was read the first time.

Mr. Weiser introduced—

Senate Bill No. 61,

A bill for an act to provide funds for the construction and furnishing necessary buildings for the North Dakota Normal School located at Valley City, North Dakota,

Which was read the first time.

Mr. Cashel introduced—

Senate Bill No. 62,

A bill for an act amending Sections 5128, 5129, 5132 and 5138 of Article 2, Code of Civil Procedure, Compiled Laws of 1887, entitled "Exemptions."

Which was read the first time.

Also,

Senate Bill No. 63,

A bill for an act to amend Section 2456 of Chapter 23, Code of Civil Procedure, Compiled Laws of 1887, entitled "Homestead,"

Which was read the first time.

Mr. Lowry introduced—

Senate Bill No. 64,

A bill for an act to amend Section 1, of Chapter 85 of the Session Laws of 1883, entitled "Live Stock."

Which was read the first time.

Mr. Little introduced—

Senate Bill No. 65,

A bill for an act providing for an appropriation for the current and contingent expenses of the penitentiary at Bismarck, and for making needed permanent improvements.

Which was read the first time.

Mr. Haggart moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

## FOURTEENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 19, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present, except Mr. Svennungsen, who was excused.

The Journal of the preceding day was read and approved.

## MESSAGES FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
January 19, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 17,

A bill for an act authorizing the Governor to restore to the Elk Valley Farming Company a parcel of land conveyed to the Territory of Dakota according to the provisions of Section 1, Chapter 13, Session Laws 1883,

Also,

Senate Bill No. 29,

A bill for an act to locate and grant section 36, in township 133 north, of range 48, west of the 5th principal meridian, being in the county of Richland, and State of North Dakota, to the North Dakota Academy of Science, located at the city of Wahpeton in the said county of Richland,

Which the House has passed unchanged.

Also,

House Bill No. 15,

A bill for an act to provide for transferring the tax sales records from the county treasurer's office to the county auditor's office,

Which the House has passed, and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

PETITIONS AND COMMUNICATIONS.

Mr. McGillivray presented the following petition:

*To the Senate and House of Representatives of the State of North Dakota:*

We, the undersigned, settlers in the northwestern part of this State, respectfully petition your honorable body to memorialize Congress to throw open for settlement all of the Fort Stevenson military reservation, excepting two sections of land, which shall be designated and located by the Superintendent of the Indian Industrial School at that point.

Also, we respectfully petition your honorable body to memorialize Congress to throw open for settlement that portion of the Mandan, Groventres and Arickaree reservation that lies south of the Missouri river.

JOHN R. COOK,  
and 21 others.

The petition was referred to the Committee on Public Lands.

MOTIONS AND RESOLUTIONS.

Mr. Worst moved

That the privileges of the floor be extended to A. B. McDonald,  
Which motion prevailed.

Mr. Cashel moved

That the President of the Senate be authorized to appoint four additional clerks for the Senate,  
Which motion prevailed.

Mr. Haggart moved

That when the Senate adjourn it adjourn till to-morrow at 9:30 a. m.,

Which motion was lost.

Mr. Haggart moved

That when the Senate adjourn it adjourn till 10:30 a. m. to-morrow,

Which motion prevailed.

The Senate returned to the eighth order of business.

Mr. McCormack of Grand Forks moved

That Ex-Lieutenant Governor, Dickey be invited to a seat within the bar of the Senate,  
Which motion prevailed.

Mr. Fuller introduced—

Senate Bill No. 66,

A bill for an act appropriating funds for the support and maintenance of the Hospital for the Insane at Jamestown,

Which was read the first time.

Mr. Pinkham introduced—

Senate Bill No. 67,

A bill for an act to amend Section 2451 of the Compiled Laws,  
Which was read the first time.

Mr. Svensrud introduced—

Senate Bill No. 68,

A bill for an act attaching the county of Church in the Second  
judicial district of the State of North Dakota to the county of  
McHenry in said judicial district and State for judicial and  
other purposes,

Which was read the first time.

Mr. Miller introduced—

Senate Bill No. 69,

A bill for an act to prevent prairie fires and compelling rail-  
roads to make firebreaks and prescribing penalties for setting the  
prairie on fire.

Which was read the first time.

Mr. Worst introduced—

Senate Bill No. 70,

A bill for an act to amend Section 140 of Chapter 62 of the Ses-  
sion Laws of 1890, entitled "An act to provide for a uniform sys-  
tem of free public schools throughout the State, and to prescribe  
penalties for violation of the provisions thereof,

Which was read the first time.

#### SECOND READING OF SENATE BILLS.

Senate Bill No. 47,

An act to establish a standard of weights and measures for the  
State of North Dakota, and providing penalties for the violation  
thereof,

Was read the second time, and referred to the Committee on  
State Affairs.

Senate Bill No. 51,

A bill for an act for a lien for the service of stallion or bull,

Was read the second time, and referred to the Committee on  
Stock.

Senate Bill No. 52,

A bill for an act providing for the submission to amend Sec-  
tions 82, 83 and 84 of Article 3 of the Constitution of the State of  
North Dakota, entitled "Executive Department," abolishing the  
office of Commissioner of Agriculture and Labor,

Was read the second time, and referred to the Committee on  
Judiciary.

Senate Bill No. 53,

A bill for an act to fix the compensation of the judges of the  
county courts, county auditors and county superintendents of  
schools in counties having a population of less than 1,000,

Was read the second time, and referred to the Committee on  
Education.

Senate Bill No. 54,

A Joint Resolution and Memorial to the Legislature of Minnesota,

Was read the second time, and referred to the Committee on Judiciary.

Senate Bill No. 55,

A bill for an act to prevent the illegal branding, killing, stealing, maiming or driving stock, the property of another person, from their accustomed range, in the State of North Dakota,

Was read the Second time, and referred to the Committee on Stock.

Senate Bill No. 56,

A bill for an act repealing Chapter 188 of the Laws of 1890, entitled "An Act to regulate warehouses, inspection, weighing and handling of grain," approved March 31, 1890,

Was read the second time, and referred to the Committee on Warehousing, Grain and Grain Grading.

Senate Bill No. 58,

A bill for an act providing for an appropriation for the erection of buildings for the State Agricultural College and Experimental Station at Fargo, and for current and contingent expenses of the same,

Was read the second time, and referred to the Committee on Appropriations.

Senate Bill No. 59,

A bill for an act providing for an appropriation for the erection of buildings for the State Normal School at Mayville, North Dakota, and for current and contingent expenses of the same,

Was read the second time, and referred to the Committee on Appropriations.

Senate Bill No. 60,

A bill for an act providing for an appropriation for a soldiers' home,

Was read the second time, and referred to the Committee on Appropriations.

Senate Bill No. 61,

A bill for an act to provide funds for the construction and furnishing necessary buildings for the North Dakota Normal School located at Valley City, North Dakota,

Was read the second time, and referred to the Committee on Appropriations.

Senate Bill No. 62,

A bill for an act amending Sections 5128, 5129, 5132 and 5138 of Article 2, Code of Civil Procedure, Compiled Laws of 1887, entitled "Exemptions,"

Was read the second time and referred to the Committee on Judiciary.



Senate Bill No. 63,

A bill for an act to amend Section 2456 of Chapter 23, Code of Civil Procedure, Compiled Laws of 1887, entitled "Homestead,"

Was read the second time, and referred to the Committee on Judiciary.

Senate Bill No. 64,

A bill for an act to amend Section 1, of Chapter 85 of the Session Laws of 1883, entitled "Live Stock,"

Was read the second time, and referred to the Committee on Stock.

Senate Bill No. 65,

A bill for an act providing for an appropriation for the current and contingent expenses of the penitentiary at Bismarck, and for making needed permanent improvements,

Was read the second time, and referred to the Committee on Appropriations.

The Senate returned to the eighth order of business.

Mr. Worst introduced the following

#### CONCURRENT RESOLUTION.

*Resolved by the Senate, the House of Representatives concurring:* That a select committee be appointed consisting of two Senators and three Representatives to revise Chapter 182 of the Session Laws of 1890, relating to revenue and taxation, and to make such recommendation as they may deem necessary to cure said Chapter of existing defects.

Mr. Worst moved

That the resolution be adopted,  
Which motion prevailed.

Mr. Almen introduced the following:

#### CONCURRENT RESOLUTION.

*Resolved by the Senate, the House of Representatives Concurring:* That the county commissions of the respective counties of this State ascertain as soon as they can, and report to the Legislature, the condition of the farmers in their counties as to the amount of seed grain needed for the coming season, and the ability of the people to purchase the same, and about the aid they would need in order to seed their lands.

Mr. Almen moved

That the resolution be adopted,  
Which motion prevailed.

#### THIRD READING OF SENATE BILLS.

Senate Bill No. 19,

A bill for an act for paroling prisoners,  
Was read the third time.

Mr. Cashel offered the following amendment:

Insert after the word "State," in the first line, the following words: "With

the consent of the Governor, who shall be *ex-officio* President of said Board when considering the parole of prisoners."

Which amendment was adopted.

Mr. Worst moved

To amend by adding after the word "director," in line 3 of Section 3, the following words: "Together with the approval of the Governor."

Which amendment was adopted.

The question recurring on the final passage of the bill as amended,

The roll being called there were ayes 29, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,

Messrs—

Haggart,  
Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormack, G. F<sup>ks</sup>  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svensrud,  
Weiser,  
Worst.

Messrs. LaMoure and Svennungsen absent and not voting.

Mr. Svennungsen being excused.

So the bill passed, and the title was agreed to.

Senate Bill No. 39,

A bill for an act to require county commissioners to give and file a bond,

Was read the third time.

Mr. Kinter moved

That the vote by which the report of the committee was adopted be reconsidered,

Which motion prevailed.

Mr. Worst moved

That the report of the committee be amended to read: "That the bonds shall be approved by the clerk of the district court, state's attorney and county treasurer, also strike out sections 3 and 4,"

Which motion prevailed.

The report of the committee was adopted as amended.

Mr. Worst moved

That the Senate resolve itself into Committee of the Whole to consider the Governor's Message,

Which motion prevailed.

The President pro tem. was called to the chair.

## COMMITTEE OF THE WHOLE.

The Senate went into Committee of the Whole.

When the Committee arose the following report was made:

Mr. President:

Your Committee of the Whole having had under consideration the message of Governors Miller and Burke, beg leave to report as follows:

We recommend that the part of Governor Miller's message referring to appropriations be referred to the Committee on Appropriations and the balance to the Committee on State Affairs.

*Resolved*, That in Governor Burke's message the special matters treated therein be referred to their appropriate committees.

N. B. Pinkham,  
Chairman.

The report was adopted.

The Lieutenant Governor in the Chair.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 29,

A bill for an act to donate and grant section 36, in township 133, in range 48, west of the 5th principal meridian,

And find the same correctly engrossed and enrolled.

R. N. Ink.  
Chairman.

The President announced his signature to  
Senate Bill No. 29,

A bill for an act to donate and grant section 36, in township 133, in range 48, west of the 5th principal meridian.

Senate Bill No. 39,

A bill for an act to require county commissioners to give and file a bond,

Was read third time and placed upon its final passage.

The roll being called there were ayes 21, nays 4.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,

Messrs—

Ink,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormack, G. F'ks

Messrs—

McGillivray,  
Miller,  
Nelson,  
Palmer,  
Patch,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—

Johnson of Traill,  
McCormick, Ramsey,

Messrs—

Pinkham,

Messrs—

Svensrud.

Absent and not voting:

Messrs—

Bisbee,  
Bjorgo,

Messrs—

Fuller,  
Haggart,

Messrs—

LaMoure,  
Svennungsen.

Mr. Svennungsen being excused.

So the bill passed, and the title was agreed.

Mr. Cashel moved

To reconsider the vote by which the Senate agreed to meet at  
10:30 to-morrow.

Which motion prevailed.

Mr. Worst moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

## FIFTEENTH DAY.

SENATE CHAMBER,  
BISMARCK NORTH DAKOTA,  
January 20, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.  
The Lieutenant Governor presiding.  
Prayer by the Rev. Mr. Anderson.  
Roll called.  
All members present.  
The Journal of the preceding day was read and approved.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
January 20, 1891.

## MR. PRESIDENT:

I have the honor to transmit herewith  
House Bill No. 44,

A bill for an act authorizing and empowering the Governor, State Auditor and State Treasurer to issue bonds to pay the State of North Dakota's share of the indebtedness of the Territory of Dakota as determined by the Joint Commission of the States of North and South Dakota appointed pursuant to law.

Which the House has passed, and your concurrence therein is respectfully requested.

Also,

Senate Bill No. 20,

A bill for an act to amend "An Act providing for the establishing of independent school districts in cities heretofore organized for school purposes, under special laws, and provided with boards of education."

Which the House has passed with the following amendments: After the word "payable" in line 28 of Section 1, the words, "at a time not to exceed" be inserted.

Also, amend Section 2 to read as follows: "Whereas an emergency exists in that it is necessary to enable boards of education

to issue bonds long prior to July 1, 1891, this act shall take effect and be in force from and after its passage and approval."

Also,

House Bill No. 20,

A bill for an act to amend Section 1 of Chapter 108 of the Laws of North Dakota regulating the practice of pharmacy.

Also,

House Bill No. 63,

A bill for an act authorizing county commissioners to loan moneys from any county funds in which there is a surplus to any county fund in which there is a deficiency,

Which the House has passed, and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

Mr. LaMoure moved

That the Senate do now proceed to the election of a United States Senator,

Which motion prevailed.

Mr. Cashel nominated Hon. H. C. Hansbrough of Ramsey county.

Mr. Bidlake nominated Hon. M. L. McCormack of Grand Forks county.

Mr. Haggart nominated Hon. W. F. Ball of Cass county.

Mr. Johnson of Traill nominated Hon. John Miller of Richland county.

Mr. Nelson nominated Hon. Walter Muir of Cass county.

Mr. Worst nominated Hon. Gilbert A. Pierce of Burleigh county.

Mr. Weiser nominated Col. C. A. Lounsberry of Burleigh county.

The roll being called there were 30 votes cast. Mr. McCormack of Grand Forks being excused, of which number Mr. G. A. Pierce received 6; Mr. W. F. Ball, 3; Mr. John Miller 3; Mr. H. C. Hansbrough, 4; Mr. Walter Muir, 4; Mr. McCormack of Grand Forks, 6; Mr. C. A. Lounsberry, 4.

Those who voted for Mr. Pierce were:

Messrs. Ink, Johnson of Ward, Kuhn, LaMoure, Little, Worst—6.

Those who voted for Mr. Hansbrough were:

Messrs. Arnold, Cashel, McCormick of Ramsey, Svensrud—4.

Those who voted for Mr. Miller were:

Messrs. Almen, Enger, Johnson of Traill—3.

Those who voted for Mr. Ball were:

Messrs. Haggart, Lowry, Pinkham—3.

Those who voted for Mr. Lounsberry were:

Messrs. Bisbee, Fuller, Miller, Weiser—4.

Those who voted for Mr. McCormack were:

Messrs. Bidlake, Bjorgo, Brynjolfson, Engle, Kinter, Patch—6.

Those who voted for Mr. Muir were:

Messrs. McGillivray, Nelson, Palmer, Svennungsen—4.

#### REPORTS OF STANDING COMMITTEES.

The Committee on Joint Rules made the following report:

MR. PRESIDENT:

Your Committee on Joint Rules beg leave to report the following:

#### JOINT RULES.

1. Each House shall transmit to the other all papers on which any bill or resolution shall be founded.

2. When a bill or resolution which shall have passed in one House is rejected in the other, notice thereof shall be given to the House in which the same may have passed.

3. Messages from one House to the other shall be communicated by the Secretary of the Senate and Clerk of the House of Representatives, unless the House transmitting the message shall especially direct otherwise.

4. It shall be in the power of either House to amend any amendment made by the other to any bill or resolution.

5. In every case of a difference between the two Houses upon any subject of legislation, if either House shall request a conference and appoint a committee for that purpose and the other House shall also appoint a committee, such committee shall meet at such hour and place as shall be agreed on by the chairman and state to each other verbally or in writing, as either may choose, the reasons of their respective Houses and to confer freely thereon, and they shall be authorized to report to their respective Houses such modifications as they think advisable.

6. It shall be in order for either House to recede from any subject matter of difference existing between the two Houses at any time previous to a conference, whether the papers on which such difference has arisen are before the House receding formally or informally and that a majority shall govern except in cases where two-thirds are required by the Constitution, and the question having been put, and lost, shall not be again put the same day, and the consideration thereof in other respects be regulated by the rules of the respective Houses.

7. After each House has adhered to its disagreement and the bill which is the subject of difference shall be deemed lost it shall not be again revived during the same session in either House, unless by consent of three-fourths of the members present of the House reviving it.

8. The same bill shall not create, renew or continue more than one incorporation, nor contain any provision in relation to the altering of more than one act of incorporation, nor shall the same bill appropriate public money or property to more than one purpose. Any bill appropriating moneys for the payment of the officers of the government shall be confined to that purpose exclusively.

9. No duplicate of any bill which may have been introduced and printed by one House shall upon introduction into the other House be printed by said other House except by a two-thirds vote of all the members present.

10. No bill that shall have passed one House shall be sent for concurrence to the other on either of the last two days of the session, whenever a time shall have previously been fixed for the adjournment of the Legislature.

11. The Committee on Enrolled Bills in each of the two Houses shall

act jointly in the examination of all bills and resolutions before their presentation to the Governor, either as a body or by such respective sub-committees as such committees may appoint for that purpose.

12. Whenever both Houses by the— constitutional vote, direct that any act or resolution shall take effect immediately or at any time before July 1st following the Session of the Legislature a proviso shall be added at the enrollment of the same in words to this effect. This act shall take effect immediately (or in ———days.)

13. Every resolution by which any money or other property of the State shall be donated or—appropriated or by which any expense to the State shall be incurred, or which shall have any operation, or effect outside of the two Houses of the Legislature, except such appropriation and expenses as shall be for the exclusive use, necessity or convenience of the Legislature shall be either a joint or concurrent resolution, and shall take the same course as a bill and shall be enrolled and presented to the Governor for his signature before the same shall take effect.

#### JOINT CONVENTION RULES.

1. Joint Conventions shall be held in the hall of the House of Representatives and the President of the Senate shall preside.

2. The Secretary of the Senate and the Clerk of the House of Representatives shall be secretaries of the Joint Convention, and the proceedings of the convention shall be published with the Journals of the House and the final result as announced by the President on return of the Senate to their Chamber shall be entered on the Journal of the Senate.

3. The rules of the House of Representatives, as far as the same may be applicable, shall govern the proceedings in Joint Convention.

4. Whenever a President pro tem. presides he shall be entitled to vote on all occasions and in case of a tie the question shall be declared lost.

5. Joint Conventions shall have the power to compel the attendance of absent members in the mode and under the penalties prescribed by the rules of the House to which such members respectively belong and for that purpose the Sergeant-at-Arms of each House shall attend.

6. Joint Conventions may adjourn from time to time, as may be found necessary, and it shall be the duty of the House of Representatives to prepare to receive the Senate, the Senate to proceed to the hall of the House of Representatives at the time fixed by law or resolution or to which the Joint Convention may have adjourned.

R. N. INK,  
Chairman.

Mr. Kuhn moved

That the report of the committee be adopted,

Which motion prevailed, and

The report was adopted.

#### MOTIONS AND RESOLUTIONS.

Mr. Miller moved

That fifty extra copies of Senate Bill No. 69 be printed,

Which motion prevailed.

Mr. McCormack of Grand Forks moved

That the House amendments to Senate Bill No. 20 be concurred in.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 28, nays none.



Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,

Messrs—

Haggart,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack of G F's

Messrs—

McGillivray,  
Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser.

Absent and not voting:

Messrs—

Ink,

Messrs—

McCormick, Ramsey,

Messrs—

Worst.

So the bill passed, and the title was agreed to.

The President pro. tem. in the Chair.

#### INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Bjorgo introduced—

Senate Bill No. 71,

A bill for an act to amend subdivisions *e, f, v, g*, of Section 8 of Chapter 122 of the Laws of 1890, pertaining to the regulation of common carriers,

Which was read the first time.

Mr. Miller introduced—

Senate Bill No. 72,

A bill for an act for an appropriation for the erection of the North Dakota State Reform School at Mandan, and for incidental and contingent expenses for the same,

Which was read the first time.

Mr. Cashel introduced—

Senate Bill No. 73,

A bill for an act to amend Sections 2, 5 and 6 of Chapter 146 of the General Laws of the year 1890, entitled "An act to provide for the leasing and sale of the common school lands of North Dakota,"

Which was read the first time.

Mr. LaMoure introduced—

Senate Bill No. 74,

A bill for an act to provide for the registration by the Treasurer of State bonds, issued or assumed by the State of North Dakota,

Which was read the first time.

Mr. Kinter introduced—

Senate Bill No. 75,

A bill for an act relating to encumbrance on growing crop,

Which was read the first time.

Mr. Johnson of Ward introduced--

Senate Bill No. 76,

A bill for an act attaching the counties of Renville, Montraille, Flannery, Buford, Garfield and Stevens to the county of Ward for judicial and other purposes,

Which was read the first time.

Mr. Little introduced—

Senate Bill No. 77,

A bill for an act extending the time for the payment of taxes for the year 1890,

Which was read the first time.

Mr. Palmer introduced—

Senate Bill No. 78,

Joint memorial relating to Fort Totten,

Which was read the first time.

The Senate returned to the eighth order of business.

Mr. Svensrud moved

That the courtesies of the floor be extended to the Hon. J. O. Smith of Steele county,

Which motion prevailed.

Mr. McCormack of Grand Forks moved

That Bishop Shanley of Jamestown be invited to a seat within the bar of the Senate,

Which motion prevailed.

#### SECOND READING OF SENATE BILLS.

Senate Bill No. 66,

A bill for an act appropriating funds for the support and maintenance of the Hospital for the Insane at Jamestown,

Was read the second time, and referred to the Committee on Appropriations.

Senate Bill No. 67,

A bill for an act to amend Section 2451 of the Compiled Laws,

Was read the second time, and referred to the Committee on Judiciary.

Senate Bill No. 68,

A bill for an act attaching the county of Church in the Second judicial district of the State of North Dakota to the county of McHenry in said judicial district and State for judicial and other purposes,

Was read the second time, and referred to the Committee on Counties.

Senate Bill No. 69,

A bill for an act to prevent prairie fires and compelling railroads to make firebreaks and prescribing penalties for setting the prairie on fire,

Was read the second time, and referred to the Committee on State Affairs.

Senate Bill No. 70,

A bill for an act to amend Section 140 of Chapter 62 of the Session Laws of 1890, entitled "An act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violation of the provisions thereof,"

Was read the second time, and referred to the Committee on Education.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
January 20, 1891. }

MR. PRESIDENT:

I have the honor to transmit herewith a Concurrent Resolution,

That the Joint Rules and the Joint Convention Rules of the First Legislative Assembly, be and the same are adopted as the rules of this Legislative Assembly,

Which the House has passed, and your concurrence therein is respectfully requested.

Also,

House Bill No. 73,

A bill for an act to amend Chapter 114 of the Session Laws, approved March 18, 1890, entitled "An Act to amend an act, entitled 'An Act to amend Sections 2 and 4 of Chapter 58 of the Session Laws of 1879,' " entitled "An Act for the protection of the public credit,"

Which the House has passed, and your concurrence therein is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

Mr. LaMoure moved

That the rules be suspended and that all House bills receive their first and second readings and be referred to their proper committees,

Which motion prevailed.

#### FIRST READING OF HOUSE BILLS.

House Bill No. 15,

A bill for an act to provide for transferring the tax sales records from the county treasurer's office to the county auditor's office,

Was read the first and second times, and referred to the Committee on Judiciary.

The president in the chair.

Mr. Little moved  
That the Senate do now adjourn till 11:30 a. m., to-morrow,  
Which motion prevailed, and  
The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

## SIXTEENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 21, 1891.

The Senate met pursuant to adjournment at 11:30 o'clock a. m.  
The Lieutenant Governor presiding.

Roll called.

All members present.

The Journal of the preceding day was read and approved.

### MESSAGES FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
January 21, 1891.

MR. PRESIDENT:

I have the honor to inform the Senate that the House is now in readiness to receive the Senate in Joint Session for the purpose of electing a United States Senator, and that a committee of the House, consisting of Messrs. Gill, Farrah and Hanson, has been appointed to inform the Senate of the arrangements for seating the Senate and to escort Senators to the House.

J. G. HAMILTON,  
Chief Clerk.

Mr. Gill of the House made the following announcement:

MR. PRESIDENT:

The committee from the House are instructed to inform the Senate that the House is in readiness to receive the Senate in Joint Session, and we are also authorized to act as escorts to the Senators to the hall of the House of Representatives.

Mr. Haggart moved

That the Senate do now proceed to the House of Representa-

tives for the purpose of meeting in Joint Session to ballot for United States Senator,

Which motion prevailed, and

The Senate adjourned to the House of Representatives.

At 1 o'clock p. m. the Senate reconvened, and

Mr. Haggart moved

That the Senate do now adjourn till 11:30 a. m. to-morrow.

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

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SEVENTEENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 22, 1891.

The Senate met pursuant to adjournment at 11:30 o'clock a. m.

The President pro tem. presiding.

Prayer by the Chaplain,

Roll called.

All members present.

The Journal of the preceding day was read and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
January 22, 1891.

MR. PRESIDENT:

I have the honor to inform the Senate that the House is now ready to receive the Senate in Joint Session to proceed with the election of a United States Senator and that the House has appointed Messrs. Brown, Lutz and Holte as a committee to escort Senators to seats in the House.

J. G. HAMILTON,  
Chief Clerk.

Mr. Brown of the House made the following announcement:

MR. PRESIDENT:

The committee from the House are instructed to inform the Senate that the House is in readiness to receive the Senate in Joint Session, and we are also authorized to act as escorts to the Senators to the hall of the House of Representatives.

Mr. McCormack of Grand Forks moved  
 That the Senate do now proceed to the House of Representatives for the purpose of meeting in Joint Session to ballot for United States Senator,  
 Which motion prevailed, and  
 The Senate adjourned to the House of Representatives.  
 The Senate reassembled at 5 o'clock p. m.  
 Mr. Cashel moved  
 That the Senate do now adjourn until 11:30 o'clock a. m. to-morrow,  
 Which motion prevailed, and  
 The Senate adjourned.

C. C. BOWSFIELD,  
 Secretary.

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EIGHTEENTH DAY.

SENATE CHAMBER,  
 BISMARCK, NORTH DAKOTA,  
 January 23, 1891.

The Senate met pursuant to adjournment at 11:30 o'clock a. m.  
 The President pro tem. presiding.  
 Prayer by the Chaplain.  
 Roll called.  
 All members present.  
 The Journal of the preceding day was read and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, {  
 January 23, 1891.

MR. PRESIDENT:

I have the honor to inform the Senate that the House is now ready to receive the Senate in Joint Session to proceed with the election of a United States Senator and that the House has appointed Messrs. Triplett, Erickson and Loomis as a committee to escort Senators to seats in the House.

J. G. HAMILTON,  
 Chief Clerk.

Mr. Triplett of the House made the following announcement:

MR. PRESIDENT:

The committee from the House are instructed to inform the Senate that the House is in readiness to receive the Senate in Joint Session, and we are also authorized to act as escorts to the Senators to the hall of the House of Representatives.

Mr. McCormack of Grand Forks moved

That the rules be suspended and that House Bills Nos. 73 and 44 be given their first and second readings and proper reference, Which motion prevailed, and

House Bill No. 73,

A bill for an act to amend Chapter 114 of the Session Laws, approved March 18, 1890, entitled "An act to amend an act entitled an act to amend Sections 2 and 4 of Chapter 58 of the Session Laws of 1879, entitled 'An Act for the protection of the public credit,'"

Was read the first and second time, and referred to the Committee on Ways and Means.

Also,

House Bill No. 44,

A bill for an act authorizing and empowering the Governor and State Auditor and State Treasurer to issue bonds to pay the State of North Dakota's share of the indebtedness of the Territory of Dakota, as determined by the Joint Commission of the States of North Dakota and South Dakota, appointed pursuant to law,

Was read the first and second time, and referred to the Committee on Ways and Means.

Mr. Cashel moved

That the Senate do now proceed to the House of Representatives for the purpose of meeting in Joint Session to ballot for United States Senator,

Which motion prevailed, and

The Senate adjourned to the House of Representatives.

The Senate reassembled at 6 o'clock p. m.

Mr. Prinkham moved

That the Senate take a recess till Tuesday, January 27, 1891,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

## TWENTY-SECOND DAY.

SENATE CHAMBER,  
BISMARCK NORTH DAKOTA,  
January 27, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The President pro tem. presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Enger, LaMoure, McCormick of Ramsey, Nelson and Palmer.

The Journal of the preceding day was read and approved.

Mr. McCormack of Grand Forks moved

That all absent members be excused for the day,

Which motion prevailed.

## PETITIONS AND COMMUNICATIONS.

The following communication was received from the Attorney General:

BISMARCK. N. D., January 19, 1891.

*To the Senate of the State of North Dakota:*

I am in receipt of your resolution requesting my opinion in writing, as to whether or not the Legislative Assembly has power under the Constitution, with the consent of Congress, to grant to the several State institutions, land donated to the State by Congress, for common school purposes.

This question is one of great importance to the people of this State, hence I have looked the matter up carefully, and will give you my conclusions without citing the authorities by which I arrived at the same.

First. By the enabling act Congress granted to the State of North Dakota the 16th and 36th sections in every township for the support of common schools, the proceeds of which were to constitute a permanent school fund, no part of which could be used for any purpose, but the interest thereof only was to be used as provided by law, for the support of the common schools throughout the State.

Second. Our State Constitution provides, among other things, that the proceeds of the public lands donated by Congress to the State for the support of the common schools shall be and remain a perpetual fund for the maintenance of the common schools of the State; shall be deemed a trust fund, the principal of which shall forever remain inviolate, and may be increased but never diminished.



Sections 155 and 158 of said Constitution provide the only method of disposing of said school land, thus throwing around a perfect safeguard for the protection of said fund.

Third. Section 205 of the Constitution, among other things, provides that the State of North Dakota accepts the several land grants under the conditions and limitations therein mentioned, reserving the right to apply to Congress for modifications of said conditions and limitations in case of necessity.

Fourth. Section 202 of the Constitution provides the method of amending the same.

So far as I have been able to examine the authorities upon the constitutional question involved in your query, they all bear me out in the following conclusions:

First. The State Legislature has no power or authority, directly or indirectly with or without the consent of Congress to dispose of in any manner, any portion or part of the lands donated by Congress to the State of North Dakota for the support of the common schools of said State.

Second. The only method in which said lands donated for the common schools as aforesaid, can be appropriated to other uses or purposes is in my judgment as follows:

Under Section 205 of the Constitution, the State Legislature may by resolution apply to Congress, should a case of necessity arise requiring it for permission from Congress to donate or otherwise dispose of a portion of said school lands in a different manner, specifying the same, than provided in the Enabling Act.

Should Congress by an act grant permission, then the next step would be by an amendment to the Constitution as provided therein, authorizing the said change.

Respectfully submitted,

C. A. M. SPENCER,  
Attorney General.

Mr. Haggart moved

That the consideration of the communication from the Attorney General be made a special order for February 10, 1891, at 2:30 p. m.

Which motion prevailed.

The following petition was presented by Mr. Bidlake:

*To the Senate of the State of North Dakota:*

We, the residents of Cavalier county, State of North Dakota, do hereby petition your honorable body to pass Senate Bill No. 48 for an act making an appropriation to carry out the provisions of Chapter 188 of the Laws of 1890, being an act entitled "An Act to regulate warehouses, inspection, weighing and handling of grain. And your petitioners will ever pray.

R. FLEMING,  
and 89 others.

Mr. Bidlake moved

That the petition be referred to the Committee on Appropriations,

Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
January 27, 1891. }

MR. PRESIDENT:

I have the honor to transmit herewith

A Concurrent Resolution prohibiting the sale of lottery or gift enterprise tickets:

CONCURRENT RESOLUTION.

*Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:* That the following amendment to the Constitution of the State of North Dakota, providing that the Legislative Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets, shall be referred to the Legislative Assembly to be chosen at the next general election after the passage of this resolution, as provided in Article 15 of the Constitution of the State of North Dakota.

AMENDMENT.

The Legislative Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets.

Which the House has passed, and your concurrence therein is respectfully requested.

Also,

Resolution on the subject of seed grain for needy farmers:

CONCURRENT RESOLUTION.

*Resolved by the Senate the House of Representatives, concurring:* That the county commissioners of the respective counties of this State ascertain as soon as they can, and report to the Legislature, the condition of the farmers in their counties as to the amount of seed grain needed for the coming season, and the ability of the people to purchase the same, and about the aid they would need in order to seed their lands.

Which the House has passed unchanged.

Also,

The following Concurrent Resolution for the appointment of a committee to revise the laws relating to revenue and taxation:

CONCURRENT RESOLUTION.

*Resolved by the Senate, the House of Representatives concurring:* That a select committee be appointed consisting of two Senators and three Representatives to revise Chapter 132 of the Session Laws of 1890, relating to revenue and taxation, and to make such recommendation as they may deem necessary to cure said Chapter of existing defects.

Which the House has amended by adding "the State Auditor and Public Examiner shall be *ex-officio* members of said committee."

And your concurrence therein is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

Mr. Ink moved

That the Senate concur in the House amendment to the Concurrent Resolution providing for the appointment of a select committee to revise Chapter 132 of the Session Laws of 1890,

Which motion prevailed.

## MOTIONS AND RESOLUTIONS.

The following Concurrent Resolution was introduced by Mr. Worst:

## CONCURRENT RESOLUTION.

WHEREAS, The United States government has fostered the infant industries of the nation through protective duties, and has never been averse to stimulating American genius through reasonable rewards; and

WHEREAS, The millions of acres embraced in the great Northwest are annually scourged by prairie fires, not only destroying our natural source of wealth, but millions of property as well, making the stock industry ever precarious, inviting hot winds in summer and blizzards in winter; and

WHEREAS, Increased humidity, an even range of temperature, and fewer radical climatic changes would follow if our prairies were not annually denuded of their rank growth of vegetation; and

WHEREAS, The rough and stony condition of the soil that prevails over a large part of our vast ranges precludes the feasibility of plowing fire-guards; and

WHEREAS, A liberal reward, if offered by Congress would doubtless direct the minds of ingenious men to this our great necessity, therefore

*Resolved by the Senate, the House of Representatives concurring:*  
That Congress be asked, through our Senators and Congressmen, and through all the Representatives from the great Northwest to offer a reward of \$25,000 for the best machine or device for burning fire-guards for the protection of our ranges and our property.

## REPORTS OF STANDING COMMITTEES.

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on Ways and Means to whom was referred  
House Bill No. 44,

A bill for an act authorizing and empowering the Governor and State Auditor and State Treasurer to issue bonds to pay the State of North Dakota's share of the indebtedness of the Territory of Dakota, as determined by the Joint Commission of the States of North Dakota and South Dakota, appointed pursuant to law,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman pro tem.

Mr. Ink moved

That the report of the Committee be adopted,  
Which motion prevailed.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred  
Senate Bill No. 45,

A bill for an act to prevent the branding of horses, mules, asses and cattle during certain seasons of the year,

Have had the same under consideration and recommend that the same be amended as follows:

Amend line 12, page 1, by striking out the word "twelve" and inserting the word "thirty."

Amend line 13, page 1, by striking out the word "months" and inserting the word "days."

And when so amended recommend that the said bill do pass.

A. SVENSRUD,  
Chairman.

Mr. Johnson of Ward moved  
That the report of the committee be adopted,  
Which motion prevailed.

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on Ways and Means to whom was referred  
House Bill No. 73,

A bill for an act to amend Chapter 114 of the Session Laws, approved March 18, 1890, entitled "An act to amend an act entitled an act to amend Sections 2 and 4 of Chapter 58 of the Session Laws of 1879, entitled 'An Act for the protection of the public credit,'"

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman pro tem.

Mr. McCormack of Grand Forks moved  
That the report of the Committee be adopted,  
Which motion prevailed.

#### INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Arnold introduced—  
Senate Bill No. 79,

A bill for an act amending Chapter 93 of the Laws of the State of North Dakota for the year A. D. 1890, being an act to regulate the practice of medicine in the State of North Dakota, to license physicians, surgeons and obstetricians, and to punish persons violating the provisions thereof,

Which was read the first time.

Mr. Worst introduced—  
Senate Bill No. 80,

A bill for an act providing for garnishment and regulating the proceedings in connection therewith,

Which was read the first time.

Mr. Bidlake introduced—  
Senate Bill No. 81,

A bill for act giving a lien on mares and cows and the offspring thereof for the service of stallion or bull,

Which was read the first time.

Mr. Worst introduced—  
Senate Bill No. 82,

A bill for an act giving county commissioners authority to purchase one or more prairie burners and providing against prairie fires, and defining a legal fire guard,

Which was read the first time.

The Senate returned to the eighth order of business.

Mr. McGillivray moved

That the courtesies of the floor be extended to Lieutenant Sydenham and Joseph Spence,

Which motion prevailed.

Mr. Little moved

That the rules be suspended and that House Bills Nos. 73 and 44 be given their third reading and placed upon their final passage,

Which motion prevailed.

House Bill No. 44,

A bill for an act authorizing and empowering the Governor, State Auditor and State Treasurer to issue bonds to pay the State of North Dakota's share of the indebtedness of the Territory of Dakota as determined by the Joint Commission of the States of North and South Dakota appointed pursuant to law.

Was read the third time.

Mr. Cashel moved

That further consideration of House Bill No. 44 be postponed until to-morrow at 3 o'clock p. m.,

Which motion prevailed.

House Bill No. 73,

A bill for an act to amend Chapter 114 of the Session Laws, approved March 18, 1890, entitled "An Act to amend an act, entitled 'An Act to amend Sections 2 and 4 of Chapter 58 of the Session Laws of 1879,' " entitled "An Act for the protection of the public credit,"

Was read the third time, and placed upon its final passage.

The roll being called there were ayes 24, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,

Messrs—

Fuller,  
Ink,  
Johnson of Traill,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormack of G F's

Messrs—

McGillivray,  
Miller,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Enger,  
Haggart,  
Johnson of Ward,

Messrs—

LaMoure,  
McCormick, Ramsey,

Messrs—

Nelson,  
Palmer.

So the bill passed, and the title was agreed to.

Mr. McCormack of Grand Forks moved  
That the vote by which House Bill No 73. was passed be reconsidered, and that the motion to reconsider be laid upon the table,  
Which motion prevailed.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 71,

A bill for an act to amend subdivisions *e, f, v, g,* of Section 8 of Chapter 122 of the Laws of 1890, pertaining to the regulation of common carriers,

Was read the second time, and referred to the Committee on Railroads.

Senate Bill No. 72,

A bill for an act for an appropriation for the erection of the North Dakota State Reform School at Mandan, and for incidental and contingent expenses for the same,

Was read the second time, and referred to the Committee on Appropriations.

Senate Bill No. 73,

A bill for an act to amend Sections 2, 5 and 6 of Chapter 146 of the General Laws of the year 1890, entitled "An act to provide for the leasing and sale of the common school lands of North Dakota,"

Was read the second time, and referred to the Committee on Education.

Senate Bill No. 74,

A bill for an act to provide for the registration by the Treasurer of State bonds, issued or assumed by the State of North Dakota,

Was read the second time, and referred to the Committee on State Affairs.

Senate Bill No. 75,

A bill for an act relating to encumbrance on growing crop,

Was read the second time, and referred to the Committee on Judiciary.

Senate Bill No. 76,

A bill for an act attaching the counties of Renville, Monttraille, Flannery, Buford, Garfield and Stevens to the county of Ward for judicial and other purposes,

Was read the second time, and referred to the Committee on Counties.

Senate Bill No. 77,

A bill for an act extending the time for the payment of taxes for the year 1890,

Was read the second time, and referred to the Committee on Revenue and Taxation.

Senate Bill No. 78,

Joint memorial relating to Fort Totten,

Was read the second time, and referred to the Committee on Military Affairs.

Mr. Haggart, on request, was excused for the remainder of the day.

Mr. Bidlake moved

That the Concurrent Resolution relating to the cost and value of railroads be recalled from the Committee on Judiciary.

Mr. Little moved as a substitute

That the resolution be made a special order for to-morrow at 3:30 o'clock p. m.,

Which motion prevailed.

Mr. Little moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

TWENTY-THIRD DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 28, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The President pro tem. presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. LaMoure, McCormick of Ramsey and Nelson.

The Journal of the preceding day was read and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, {  
January 28, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith a Concurrent Resolution providing for the appointment of a Joint Committee to consider all bills relating to reform in elections.

CONCURRENT RESOLUTION.

*Be it resolved by the House of Representatives, the Senate Concurring:* That a Joint Committee consisting of five, three to be chosen by the Speaker of the House, and two by the President of the Senate be appointed, to whom shall be referred all bills introduced in either House, looking to a reform in the election laws, whose duty it shall be to compare all said bills, and embody the best features of each in one bill, or if they deem this inexpedient to incorporate the best features each in such bills as are necessary. Said Committee to be known as the "Joint Committee on Elections," and that one member from the Judiciary Committee within each House be upon such committee.

Which the House has passed, and your favorable consideration thereof is respectfully requested.

Also,

To transmit herewith a Concurrent Resolution in relation to the death of the Hon. H. W. Lord:



## CONCURRENT RESOLUTION.

WHEREAS, This House has heard with regret the terrible death of the Hon. H. W. Lord, a man distinguished in State and national councils, and for years the accredited representative of this nation abroad,

*Be it Resolved by the House of Representatives the Senate, Concurring:* That in the death of the Hon. Henry W. Lord the State of North Dakota has lost a patriotic, pure and valuable citizen.

That a copy of this resolution, when adopted, be forwarded to the widow of the deceased at Detroit, Mich.

Which the House has passed and your concurrence therein is respectfully requested.

Also,

I have the honor to inform the Senate that the House has passed the following Concurrent Resolution:

*Be it Resolved,* That a special committee of five be appointed, two of which shall be appointed by the President of the Senate and three by the Speaker of the House, whose duty it shall be to revise Chapters 187, 188, 189 and 190 of the Laws of 1890, relating to grain grading, warehousing and shipping.

And your concurrence therein is respectfully requested.

Also,

To inform the Senate that the Speaker has appointed as members of the Joint Committee for the House, Messrs. Tufts, Oliver and Lutz.

J. G. HAMILTON,  
Chief Clerk.

## REPORTS OF STANDING COMMITTEES.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads to whom was referred  
Senate Bill No. 33,

A bill for an act to fix the maximum rates that railroad companies may charge for the transportation of coal mined within the State of North Dakota,

Have had the same under consideration and recommend that the same be amended as follows:

Amend line 1 of Section 1 by striking out the word "all" where it appears in said line 1, and inserting the words "that no" in lieu thereof.

Amend line 4 of said Section 1 by inserting after the word "transportation" in said line 4, the words "in carload lots," also strike out the word "not" at the end of line 3 in said Section 1.

Also amend line 9 of said Section 1 by striking out all after the word "ton" in said line 9, and inserting in lieu thereof the following: "And for each additional mile, one-half cent per ton per mile; *Provided,* That when one or more carloads of said coal shall be left at any siding or sidetrack to be transported by and over any other line of railroad doing business in said State, said other line of railroad shall not charge for said transportation to any point within said State, a greater rate than one-half cent per ton per mile.

And when so amended recommend that said bill do pass.

R. J. JOHNSON,  
Chairman.

The Committee on Engrossed and Enrolled made Bills the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No 17,

A bill for an act authorizing the Governor to restore to the Elk Valley Farming company a parcel of land conveyed to the Territory of Dakota according to the provisions of Section 1, Chapter 13, Session Laws of 1883,

And find the same correctly engrossed and enrolled.

R. N. INK.

Chairman.

The Committee on Military Affairs made the following report:

MR. PRESIDENT:

Your Committee on Military Affairs to whom was referred

Senate Bill No. 78,

A Joint Memorial to the honorable the Congress of the United States,

Have had the same under consideration and recommend that the same do pass.

JOHN BIDLAKE,

Chairman.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred

Senate Bill No. 31,

A bill for an act to amend Section 31, of Chapter 51, of the Session Laws of 1889, referring to the transfer of certain county funds,

Have had the same under consideration and recommend that the same be amended as follows:

Strike out all after the word "county,"

And when so amended recommend that the said bill do pass.

Also,

Senate Bill No. 68,

A bill for an act attaching the county of Church in the Second judicial district of the State of North Dakota to the county of McHenry in said judicial district and State for judicial and other purposes,

Have had the same under consideration and recommend that the same do pass.

Also,

Senate Bill No. 76,

A bill for an act attaching and annexing the counties of Renville, Mountrail, Flannery, Buford, Garfield and Stevens in the Second judicial district of the State of North Dakota to the

county of Ward in said Second judicial district for judicial and other purposes,

Have had the same under consideration and recommend that the same do pass.

Also,

Senate Bill No. 24,

A bill for an act giving power to county commissioners to dispose of real estate bid in, in the name of the county at tax sale,

Have had the same under consideration and recommend that the same do pass.

JAMES JOHNSON,  
Chairman.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 20,

A bill for an act providing for the establishment of independent school districts in cities heretofore organized for school purposes under special laws and provided with boards of education,

And find the same correctly engrossed and enrolled.

R. N. INK,  
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your committee on Judiciary to whom was referred

Senate Bill No. 11,

A bill for an act to legalize the action of the Governor, Chief Justice and Secretary of State, acting as a State board of canvassers,

Have had the same under consideration and recommend that the same do pass.

Also,

Senate Bill No. 54,

A Joint Resolution and Memorial to the Legislature of Minnesota,

Have had the same under consideration and recommend that the same be amended as follows:

Amend line 2 of the heading of said bill by striking out the word "Legislature" where it appears in said line 2, and inserting in lieu thereof the words, "Legislative Assembly of the State of."

And when so amended recommend that said bill do pass.

Also,

Senate Bill No. 23,

A bill for an act to provide for a board of State canvassers,

Have had the same under consideration and recommend that the same be amended as follows:

Amend Sections 5, 14 and 15 by striking out the word "Legislature" where it appears in either of said Sections, and inserting in lieu thereof the words "Legislative Assembly of the State of North Dakota."

Also, amend the repealing clause of said bill by striking out the word "this" where it appears and inserting in lieu thereof the words, "the provisions of this act."

And when so amended recommend that said bill do pass.

C. B. LITTLE,  
Chairman.

The President pro tem. announced his signature to  
Senate Bill No. 17,

A bill for an act authorizing the Governor to restore to the Elk Valley Farming company a parcel of land conveyed to the Territory of Dakota according to the provisions of Section 1, Chapter 13, Session Laws 1883.

#### MOTIONS, RESOLUTIONS, ETC.

Mr. Cashel moved

That Mr. C. B. Lawrence, a Clerk of the Senate, be accredited to the Enrolling and Engrossing force,

Which motion prevailed.

#### INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Cashel introduced—

Senate Bill No. 83,

A bill for an act to regulate the practice of veterinary medicine and surgery,

Which was read the first time.

Mr. Arnold introduced—

Senate Bill No. 84,

A bill for an act to fix and regulate the fees and compensation of the clerks of the district court and provide what other county officers may hold the office,

Which was read the first time.

Mr. McCormack of Grand Forks introduced—

Senate Bill No. 85,

A bill for an act to amend Chapter 88 of the General Laws of 1881, relating to place of trial in justice court,

Which was read the first time.

Also,

Senate Bill No. 86,

A bill for an act to amend Chapter 89 of the General Laws of 1881, relating to security for costs in justice court,

Which was read the first time.

Also,

Senate Bill No. 87,

A bill for an act to amend Section 89, Article 15, Chapter 1, General Laws of 1877, and Section 3 of Chapter 31 of the Gen-

eral Laws of 1879, relating to appeals from justice court and the duties of justice in case of appeal,

Which was read the first time.

Mr. Miller introduced—

Senate Bill No. 88,

A bill for an act relating to registering county warrants and duty of the county treasurer relating thereto,

Which was read the first time.

Mr. Bisbee introduced—

Senate Bill No. 89,

A bill for an act exempting certain property and things from attachment and execution,

Which was read the first time.

Mr. Brynjolfson introduced—

Senate Bill No. 90,

A bill for an act defining usury, making the taking of usury a misdemeanor; also the assignment or disposition of usurious contracts, and providing penalty therefor,

Which was read the first time.

Mr. Worst (by request) introduced—

Senate Bill No. 91,

A bill for an act providing for the incorporation of detective agencies,

Which was read the first time.

#### CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Kinter moved

That the Senate concur in the House Concurrent Resolution for an amendment to the Constitution of the State of North Dakota prohibiting the sale of lottery or gift enterprise tickets,

Which motion prevailed.

The President pro tem. announced his signature to

House Bill No. 73,

A bill for an act to amend Chapter 114 of the Session Laws, approved March 18, 1890, entitled "An Act to amend an act, entitled 'An Act to amend Sections 2 and 4 of Chapter 58 of the Session Laws of 1879,'" entitled "An Act for the protection of the public credit."

Mr. Haggart moved

That fifty extra copies of the Attorney General's opinion, and also fifty copies of Senate Bills Nos. 28, 62 and 63 be printed,

Which motion prevailed.

The President pro tem. announced his signature to

Senate Bill No. 20,

A bill for an act to amend "An Act providing for the establishing of independent school districts in cities heretofore organized

for school purposes under special laws and provided with boards of education."

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
January 28, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith

A Concurrent Resolution requesting states attorneys to enforce the provisions of the act providing for the organization and government of state banks:

CONCURRENT RESOLUTION.

Requesting the state's attorneys in and for their respective counties to take immediate steps to enforce the provisions of an act, entitled "An Act to provide for the organization and government of state banks."

WHEREAS, The First Legislative Assembly of the State of North Dakota passed an act, entitled "An Act to provide for the organization and government of state banks;" and

WHEREAS, There are many banking institutions within the State doing a regular banking business without having complied with the provisions of said act; therefore,

*Be it Resolved by the House of Representatives, the Senate Concurring:* That the states attorneys in and for their respective counties are hereby requested to take immediate action to enforce the provisions said act.

Which the House has passed, and your concurrence therein is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

The President pro tem. announced the appointment of Messrs. Worst and Arnold as the Senate members of the Select Committee authorized by a House Concurrent Resolution to revise Chapter 132 of the Session Laws of 1890, relating to revenue and taxation.

SPECIAL ORDERS.

The hour having arrived for the consideration of House Bill No. 44,

A bill for an act authorizing and empowering the Governor, State Auditor and Treasurer to issue bonds to pay the State of North Dakota's share of the indebtedness of the Territory of Dakota, as determined by the Joint Commission of the States of North Dakota and South Dakota appointed pursuant to law,

Mr. Cashel moved

That further consideration of House Bill No. 44 be postponed until Friday, January 30th, at 2:30 o'clock p. m., and that it be referred to a special committee of three,

Which motion prevailed.

Mr. President pro tem. announced the appointment of Messrs.

Cashel, Patch and Palmer as the Special Committee to consider House Bill No. 44.

Mr. Ink moved

That the rules be suspended and that the Senate return to the eighth order of business,

Which motion was lost.

SECOND READING OF SENATE BILLS.

Senate Bill No. 79,

A bill for an act amending Chapter 93 of the Laws of the State of North Dakota for the year A. D. 1890, being an act to regulate the practice of medicine in the State of North Dakota, to license physicians, surgeons and obstetricians, and to punish persons violating the provisions thereof,

Was read the second time, and referred to the Committee on Health.

Senate Bill No. 80,

A bill for an act providing for garnishment and regulating the proceedings in connection therewith,

Was read the second time, and referred to the Committee on Judiciary.

Senate Bill No. 81,

A bill for an act giving a lien on mares and cows and the offspring thereof for the service of stallion or bull,

Was read the second time, and referred to the Committee on Stock.

Senate Bill No. 82,

A bill for an act giving county commissioners authority to purchase one or more prairie burners and providing against prairie fires, and defining a legal fire guard,

Was read the second time, and referred to the Committee on State Affairs.

Mr. Cashel moved

That extra copies of each bill be printed, and five laid upon the desks of the members,

Which motion prevailed.

Mr. Little moved

That the rules be suspended and that Senate Bill No. 11 be given its third reading and placed upon its final passage,

Which motion prevailed, and

Senate Bill No. 11,

A bill for an act to legalize the action of the Governor, Chief Justice and Secretary of State, acting as a board of canvassers,

Was read the third time.

Mr. Little moved

That the report of the committee on Senate Bill No. 11 be adopted,

. Which motion prevailed.

The question recurring on the final passage of the bill,

The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,

Messrs—

Haggart,  
Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormack, G. F'ks,

Messrs—

McGillivray,  
Miller,  
Palmer,  
Patch,  
Pinkham,  
Svenningsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

LaMoure,

Messrs—

McCormick, Ramsey,

Messrs—

Nelson.

So the bill passed and the title was agreed to.

Mr. Little moved

That the rules be suspended, and that Senate Bill No. 54 be read the third time and placed upon its final passage,

Which motion prevailed, and

Senate Bill No. 54,

A Joint Resolution and Memorial to the Legislature of Minnesota,

Was read the third time.

Mr. Ink moved

That the report of the committee on Senate Bill No. 54 be adopted,

Which motion prevailed.

The Senate returned to the ninth order of business.

Mr. Haggart introduced—

Senate Bill No. 92,

A bill for an act to amend Sections 3 and 5 of Chapter 160, Session Laws of 1890,

Which was read the first and second times, and referred to the Committee on Public Lands.

Mr. McCormack of Grand Forks introduced—

Senate Bill No. 93,

A bill for an act for the appropriation of moneys for the payment of mileage, per diem and salaries of members and employes of the Legislative Assembly of the State of North Dakota, and authorizing the payment therefor,

Which was read the first and second times, and referred to the Committee on Appropriations.

The Committee on Engrossed and Enrolled Bills made the following report:



MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills respectfully report that

Senate Bill No. 17,

A bill for an act authorizing the Governor to restore to the Elk Valley Farming company a parcel of land conveyed to the Territory of Dakota according to the provisions of Section 1, Chapter 13, Session Laws 1883,

Was delivered to his Excellency, the Governor, for his approval, at the hour of 3:20 o'clock p. m., January 28, 1891.

Also,

Senate Bill No. 20,

A bill for an act to amend "An Act providing for the establishing of independent school districts in cities heretofore organized for school purposes under special laws and provided with boards of education,"

Was delivered to his Excellency, the Governor, for his approval at the hour of 3:25 o'clock p. m., January 28, 1891.

R. N. INK,  
Chairman.

The Senate returned to the eight order of business.

Mr. Ink moved

That Miss Arnold, Miss Stoyell and Mr. Rowe be appointed as clerks on the Enrolling and Engrossing force,

Which motion prevailed.

Mr. Worst moved

That Senate Bill No. 54 be referred back to the Committee on Judiciary,

Which motion prevailed.

Mr. Little moved

That the Senate concur in the House Concurrent Resolution providing for a committee of five, two from the Senate and three from the House, to be known as the Joint Committee on Elections.

Mr. Worst moved

To amend by increasing the number of members of the Committee from five to seven, three from the Senate and four from the House,

Which amendment prevailed.

The question recurring on the Concurrent Resolution as amended, it was adopted.

Mr. Little moved

That the Senate concur in the House resolution relating to the death of Hon. Henry W. Lord,

Which motion prevailed.

The President pro tem. appointed Messrs. Ink and Lowry as the Senate members of the Joint Committee to investigate the

original cost and present value of railroads and the amount of taxes paid.

Mr. Cashel moved  
That the Senate do now adjourn,  
Which motion prevailed, and  
The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

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## TWENTY-FOURTH DAY.

SENATE CHAMBER,  
BISMARCK NORTH DAKOTA,  
January 29, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.  
The President pro tem. presiding.  
Prayer by the Chaplain.  
Roll called.  
All members present except Mr. Svennungsen who was excused.  
The Journal of the preceding day was read and approved.  
Mr. LaMoure moved  
That the Journal of Friday be corrected by adding thereto an amendment of the presiding officer giving the result of the Joint Session in the election of United States Senator as required by the Joint Convention rules,  
Which motion prevailed.

### REPORTS OF STANDING COMMITTEES.

The Committee on Appropriations made the following report:

#### MR. PRESIDENT:

Your Committee on Appropriations to whom was referred Senate Bill No. 48,  
A bill for an act making appropriations to carry out the provisions of Chapter 188 of the Laws of 1890, being an act entitled "An Act to regulate warehouses, inspection, weighing and handling of grain,"  
Have had the same under consideration and recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Bidlake moved  
That the report of the committee on Senate Bill No. 48 be adopted,  
Which motion prevailed.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your committee on Judiciary to whom was referred  
Senate Bill No. 46,

A bill for an act attaching and annexing the county of Church in the Second Judicial District of the State of North Dakota to the county of Pierce in said judicial district and State for judicial and other purposes,

Have had the same under consideration and recommend that the same do pass.

Also,

Senate Bill No. 54,

A Joint Resolution and Memorial to the Legislature of Minnesota,

And recommend that it be amended so as to read as follows:

#### A JOINT RESOLUTION AND MEMORIAL

To the Legislative Assembly of the State of Minnesota.

*Be it Resolved by the Senate, the House of Representatives concurring:* That the Legislative Assembly of the State of Minnesota be earnestly requested to pass a stringent and effective law making it a misdemeanor for any company, commission firm or individual engaged in the handling of grain on commission, or soliciting shipments of grain on commission, to deal in options; and that any company, commission firm or individual who shall make use of any of the proceeds of such shipments of grain or produce shall be punished in such a manner as said Legislative Assembly of the State of Minnesota may prescribe.

*Resolved,* That copies of this Joint Resolution and Memorial be transmitted to the President of the Senate and the Speaker of the House of Representatives of Minnesota, and that they be requested to present the same before the respective bodies over which they preside.

And when so amended recommend that said Joint Resolution and Memorial do pass.

C. B. LITTLE,  
Chairman.

The Committee on Public Lands made the following report:

MR. PRESIDENT:

Your Committee on Public Lands to whom was referred  
Senate Bill No. 92,

A bill for an act to amend Sections 3 and 5 of Chapter 160, Session Laws of 1890,

Have had the same under consideration and recommend the annexed bill as an amendment, and recommend that the same do pass.

FRANK PALMER,  
Chairman.

## A BILL

For an Act to Amend Sections 3 and 5 of Chapter 160, Session Laws 1890, Providing for the Establishment, Erection and Operation of the North Dakota Agricultural College and Agricultural Experimental Station at Fargo.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

SECTION 1. That Section 3, of Chapter 160 be amended to read as follows:

BOARD, HOW APPOINTED—VACANCIES. The board of directors shall consist of seven members. The first board shall be appointed as hereinafter provided, and their term of office shall expire when their successors have been appointed and qualified, during the session of the Legislative Assembly in the year A. D., 1891. During the session of the Legislative Assembly in the year A. D. 1891, and before the third Monday in February of said year, the Governor shall nominate and by and with the consent and advice of the Senate appoint a full board of directors, three of whom shall be appointed for the term two years, and four of whom shall be appointed for the term of four years. Thereafter and at each biennial session of the Legislative Assembly and on or before the third Monday in February during each session there shall be nominated by the Governor and by and with the advice and consent of the Senate, appointed for the term of four years directors to fill vacancies occurring by the expiration of the term of office of those previously appointed; the Governor shall have power to fill all vacancies in said board which occur when the Legislative Assembly is not in session, and the members of said board shall hold their office until their successors are appointed and qualified, as provided by this act; *Provided further*, That in all cases where the Governor has made an appointment to fill a vacancy when the Legislative Assembly is not in session, the term of office of the director or directors so appointed shall expire at the next session of the Legislative Assembly.

SEC. 2. That Section 5 of Chapter 160 be also amended to read as follows:

"The Board of Directors shall hold its meetings at the city of Fargo and fix the time of holding the same, providing there shall not exceed six regular meetings in each year. The members of the Board shall receive as compensation for their services \$3 per day for each day employed, and five cents per mile for each mile actually and necessarily traveled in attending meetings of said Board, which sum shall be paid out of the State Treasury upon vouchers of said Board duly certified by the President and Secretary thereof; *Provided, however*, That the President of said Board shall have power to call special meetings whenever in his judgment it becomes necessary."

SEC. 3. There being an emergency in this, that Section 3 of said act provides for the appointment of the Board before the third Monday in February in the present year; therefore this act shall be in effect from and after its passage and approval.

Mr. Haggart moved

That the report of the Committee be adopted,  
Which motion prevailed.

Mr. Little moved

That the Senate concur in the House Concurrent Resolution relating to grain, grain grading and warehousing,  
Which motion prevailed.

Mr. Worst introduced the following Concurrent Resolution:

## CONCURRENT RESOLUTION.

*Resolved by the Senate the House of Representatives, concurring:* That a joint committee of five be appointed, consisting of two Senators and three Representatives, to consider the bills relating to prairie fires and expedients for relief therefrom.

Mr. Worst moved  
That the resolution be adopted,  
Which motion prevailed.

Also,  
The following resolution:

*Resolved*, That the Janitor of the committee rooms over the Capital National bank be authorized by the Sergeant-at-Arms of the Senate to procure seven copies of each bill and keep them on file for the benefit of committees.

Mr. Worst moved  
That the resolution be adopted,  
Which motion prevailed.

#### CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Arnold moved  
That the consideration of the House Concurrent Resolution requesting the States Attorneys to enforce the State Banking Law be made a special order for February 10, 1891, at 3 o'clock p. m.,  
Which motion prevailed.

#### INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Kuhn introduced—  
Senate Bill No. 94,  
A bill for an act to amend Section 8 of Chapter 155 of Session Laws of 1890,  
Which was read the first time.

Also,  
Senate Bill No. 95,  
A bill for an act to amend an act entitled "An act to amend Sections 1, 2, 3 and 4 of Chapter 135 of General Laws of 1885,"  
Which was read the first time.

Mr. Cashel introduced—  
Senate Bill No. 96,  
A bill for an act to amend Article 1, Chapter 1 of Justice-Code, being Section 6042 of the Compiled Laws of 1887,  
Which was read the first time.

The Appropriation Committee introduced—  
Senate Bill No. 97,  
A bill for an act providing clerk hire for the various State Offices and making appropriation therefor,  
Which was read the first time.

Mr. Haggart introduced—  
Senate Bill No. 98,  
A bill for an act making a standing annual appropriation for the payment of the salaries of the various State officers,  
Which was read the first time.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 83,

A bill for an act to regulate the practice of veterinary medicine and surgery,

Was read the second time, and referred to the Committee on Public Health.

Senate Bill No. 84,

A bill for an act to fix and regulate the fees and compensation of the clerks of the district court and provide what other county officers may hold the office,

Was read the second time and referred to the Committee on Judiciary.

Senate Bill No. 85,

A bill for an act to amend Chapter 88 of the General Laws of 1881, relating to place of trial in justice court,

Was read the second time, and referred to the Committee on Judiciary.

Senate Bill No. 86,

A bill for an act to amend Chapter 89 of the General Laws of 1881, relating to security for costs in justice court,

Was read the second time, and referred to the Committee on Judiciary.

Senate Bill No. 87,

A bill for an act to amend Section 89, Article 15, Chapter 1, General Laws of 1877, and Section 3 of Chapter 31 of the General Laws of 1879, relating to appeals from justice court and the duties of justice in case of appeal,

Was read the second time, and referred to the Committee on Judiciary.

Senate Bill No. 88,

A bill for an act relating to registering county warrants and duty of the county treasurer relating thereto,

Was read the second time, and referred to the Committee on Counties.

Senate Bill No. 89,

A bill for an act exempting certain property and things from attachment and execution,

Was read the second time, and referred to the Committee on Judiciary.

Senate Bill No. 90,

A bill for an act defining usury, making the taking of usury a misdemeanor; also the assignment or disposition of usurious contracts, and providing penalty therefor,

Was read the second time, and referred to the Committee on Judiciary.

Senate Bill No. 91,

A bill for an act providing for the incorporation of detective agencies,

Was read the second time, and referred to the Committee on State Affairs.

The Senate returned to the seventh order of business.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred Senate Bill No. 93,

A bill for an act for the appropriation of moneys for the payment of mileage, per diem and salaries of members and employes of the Legislative Assembly of the State of North Dakota, and authorizing the payment therefor,

Have had the same under consideration and recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Kinter moved

That the report of the Committee be adopted,  
Which motion prevailed.

The Senate returned to the ninth order of business.

Mr. McCormick of Ramsey moved—

That Senate Bills Nos. 99, 101 and 102 be read the first and second times and referred to their appropriate committees,  
Which motion prevailed.

Mr. McCormick of Ramsey introduced—  
Senate Bill No. 99,

A bill for an act providing for an appropriation for the erection of buildings for the Deaf and Dumb Asylum at the city of Devils Lake, and the purchase of a site therefor,

Which was read the first and second times, and referred to the Committee on Appropriations.

Mr. Palmer introduced—  
Senate Bill No. 100,

A bill for an act to appropriate money to pay the expenses of selecting and acquiring title to lands donated by Congress to the State of North Dakota for its public institutions, and to carry out the provisions of an act providing for the organization of the Board of University and School Lands, approved March 20, 1890,

Which was read the first and second times, and referred to the Committee on Appropriations.

Mr. Haggart introduced—  
Senate Bill No. 101,

A bill for an act providing for an appropriation for the annual Tournament of the North Dakota Volunteer Firemen's Association,

Which was read the first and second times, and referred to the Committee on Appropriations.

Mr. Worst moved

That Senate Bill No. 77 be referred to the Committee on Judiciary,

Which motion prevailed.

Mr. McCormick of Ramsey introduced the following resolution:

*Resolved*, That the Sergeant-at-Arms be and is hereby instructed to furnish suitable accommodations for newspaper reporters.

Mr. McCormick of Ramsey moved

To adopt the resolution,

Which motion prevailed.

#### COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }  
January 29, 1891. }

*To the President of the Senate:*

I have the honor to inform you that I have this day approved Senate Bill No. 20,

An act to amend "An Act providing for the establishing of independent school districts in cities heretofore organized for school purposes, under special laws and provided with boards of education,"

Respectfully,

ANDREW H. BURKE,  
Governor.

#### THIRD READING OF SENATE BILLS.

Senate Bill No. 23,

A bill for an act to provide for a board of State canvassers,  
Was read the third time and placed upon its final passage.

The roll being called there were ayes 29, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,

Messrs—

Haggart,  
Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormack of G F's  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svensrud,  
Weiser,  
Worst.

Messrs. LaMoure and Svennungsen absent and not voting.

Mr. Svennungsen being excused.

So the bill passed, and the title was agreed to.



The Senate returned to the ninth order of business.

Mr. Cashel introduced—

Senate Bill No. 102,

A bill for an act to authorize the State Treasurer to transfer the sum of \$2,589.29 credited to the Stock Indemnity Fund, as provided by Section 17, Chapter 32 of the General Laws of 1887, and also the sum of \$4,543.55 credited to the counties of Buford, Flannery and Montrail, to the General Fund of the State of North Dakota,

Was read the first and second times, and referred to the Committee on State Affairs.

Mr. Little introduced—

Senate Bill No. 103,

A bill for an act amending Section 3, Chapter 83 of the Laws of 1890,

Which was read the first and second times, and referred to the Committee on Public Health.

Senate Bill No. 24,

A bill for an act giving power to county commissioners to dispose of real estate bid in, in the name of the county at tax sale,

Was read the third time, and placed upon its final passage.

Mr. Little moved

That the report of the Committee be adopted,

Which motion prevailed.

The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
McCormack, G. F.'s  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Patch,  
Pinkham,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Fuller,  
Haggart,

Messrs—

LaMoure,  
Lowry,

Messrs—

Palmer,  
Svenningsen.

Mr. Svenningsen being excused.

So the bill passed, and the title was agreed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
January 29, 1891. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 25,

A bill for an act to encourage the development of the coal mines of the State, and to determine the kind of coal that shall be used as fuel in the various State Institutions.

Also,

House Bill No. 32,

A bill for an act to amend Section 7 of Chapter 91 of the Laws passed at the First Legislative Assembly of the State of North Dakota entitled "An act relating to marriage and providing license,"

Which the House has passed, and your concurrence therein is respectfully requested.

Also,

I have the honor to inform you that the Speaker has appointed as members from the House of the Joint Committee to investigate the cost of railroads, Messrs. Gill, Tufts and Cunningham.

J. G. HAMILTON,  
Chief Clerk.

Mr. Little moved

That the rules be suspended, and that Senate Bill No. 93 be read the third time and placed upon its final passage,

Which motion prevailed, and

Senate Bill No. 93,

A bill for an act for the appropriation of moneys for the payment of mileage, per diem and salaries of members and employes of the Legislative Assembly of the State of North Dakota, and authorizing the payment therefor,

Was read the third time.

The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Eger,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormack, G. F'ks  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Fuller,

Messrs—

LaMoure,

Messrs—

Svennungsen.

Mr. Svennungsen being excused.

So the bill passed, and the title was agreed to.

Mr. McCormack of Grand Forks moved

That the vote by which Senate Bill No. 93 was passed be reconsidered, and that the motion to reconsider be laid upon the table, Which motion prevailed.

Senate Bill No. 31,

A bill for an act to amend Section 31 of Chapter 51, of the Session Laws of 1889, referring to the transfer of certain county funds,

Was read the third time.

Mr. Worst moved

That the report of the committee be amended by adding after the word "county" the words as found in line 9 of the printed bill,

Mr. Little moved

That further consideration of Senate Bill No. 31 be made a special order for to-morrow at 3:30 o'clock,

Which motion prevailed.

Senate Bill No. 68,

A bill for an act attaching the county of Church in the Second judicial district of the State of North Dakota to the county of McHenry in said judicial district and State for judicial and other purposes,

Was read the third time.

Mr. Svensrud moved

That the report of the committee on Senate Bill No. 68 be adopted,

Which motion prevailed.

Mr. Svensrud moved

To amend Senate Bill No. 68 by striking out in line 2, Section 2, the word "said" and inserting in lieu thereof the word "the,"

Which motion prevailed.

The roll being called upon the final passage of the bill there were ayes 29, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,

Messrs—

Haggart,  
Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormack, G. F'ks,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svensrud,  
Weiser,  
Worst.

Messrs. LaMoure and Svennungsen absent and not voting.

Mr. Svennungsen being excused.

So the bill passed, and the title was agreed to.

Mr. Little moved

That the rules be suspended, and that Senate Bill No. 48 be read the third time and placed upon its final passage,

Which motion prevailed, and

Senate Bill No. 48,

A bill for an act making appropriations to carry out the provisions of Chapter 188 of the Laws of 1890, being an act entitled, "An Act to regulate warehouses, inspection, weighing and handling of grain,

Was read the third time.

Mr. Little moved

That the report of the committee on Senate Bill No. 48 be adopted,

Which motion prevailed.

The roll being called upon the final passage of the bill there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—

Almen  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller

Messrs—

Haggart,  
Ink  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormack G. Fk's,

Messrs—

McCormick, Ramsey,  
Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

LaMoure

Messrs—

McGillivray,

Messrs—

Svennungsen.

Mr. Svennungsen being excused.

So the bill passed and the title was agreed to.

Mr. Bidlake moved

That the vote by which Senate Bill No. 48 was passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate Bill No. 33,

A bill for an act to fix the maximum rates that railroad companies may charge for the transportation of coal mined within the State of North Dakota,

Was read the third time.

Mr. McGillivray moved

That Senate Bill No. 33 be made a special order for February 4th, at 3 o'clock p. m.

Mr. Svensrud moved as a substitute

That the report of the Committee on Senate Bill No. 33 be read,

Which motion prevailed.

Mr. Kinter moved

That Senate Bill No. 33 be made a special order for next Wednesday at 3 o'clock,

Which motion prevailed.

Mr. Haggart moved

That the rules be suspended and that Senate Bill No. 92 be placed upon its third reading and final passage,

Which motion prevailed.

Mr. Worst was called to the Chair.

Senate Bill No. 92,

A bill for an act to amend Sections 3 and 5 of Chapter 160, Session Laws of 1890,

Was read the third time.

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,

Messrs—

Haggart,  
Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormack, G. F'ks,

Messrs—

McCormick, Ramsey  
McGillivray,  
Miller,  
Palmer,  
Patch,  
Svensrond,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Fuller,  
LaMoure,

Messrs—

Nelson,  
Pinkham,

Messrs—

Svennungsen.

Mr. Svennungsen being excused.

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which Senate Bill No. 92 was passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. McCormack of Grand Forks moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

## TWENTY - FIFTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 30, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Svenningsen who was excused.

The Journal of the preceding day was read and approved.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, {  
January 30, 1891. }

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 58,

A bill for an act providing for an appropriation for the erection of buildings for the State Agricultural College and Experimental Station at Fargo, and for current and contingent expenses of the same,

Which the House has passed, and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred

Senate Bill No. 53,

A bill for an act to fix the compensation of the judges of the county courts, county auditors and county superintendents of schools in counties having a population of less than 1,000,

Have had the same under consideration and recommend that it be amended as follows:

Amend title by striking out "and county superintendent of schools," and further by inserting the word "and" between the words "court" and "county."

Amend bill by inserting after enacting clause and before the word "as" in line 1, Section 1.

Also, amend Section 1, line 4, by striking out the following words: "And county superintendent of schools," and in same line, by inserting between the words "courts" and "county" the word "and" and strike out the comma.

Amend line 8 by striking out "four hundred (400)" and insert in lieu thereof "eight hundred (800)."

Amend Section 1 by striking out all after the words "per annum" in lines 8, 9 and 10.

Amend bill by inserting before the words "the county auditor" after line 10 in printed bill.

And when so amended recommend that said bill do pass.

J. H. WORST,  
Chairman.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred

Senate Bill No. 91,

A bill for an act providing for the incorporation of detective agencies,

Have had the same under consideration and recommend that the same do not pass.

Also,

Senate Bill No. 37,

A bill for an act in relation to the collection of personal property taxes for the year 1890,

Have had the same under consideration and recommend that the same be amended as follows:

Insert after the figures "1891" in line 14, original bill, the words: "Said taxes to draw interest at the rate of 1 per cent. per month, March 1, 1891, until October 15, 1891."

And when so amended recommend that said bill do pass.

JAMES McCORMICK,  
Chairman.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred

Senate Bill No. 18,

A bill for an act to amend Section 33 of Chapter 2 of an act passed at the First Legislative Assembly of the State of North Dakota, known as the School Law,

Have had the same under consideration and recommend that the same be amended as follows:

Amend first amendment, Section 33, by inserting after the word "having" in line 4 "three schools or less one hundred (100) dollars; over three schools and less than ten," and strike out of line 4 "ten schools or less."

Amend lines 25 and 26 by striking out the words and figures "three hundred (300) dollars," and insert the words and figures "one hundred (100) dollars" in lieu thereof.

Amend line 30 by striking out all after the word "county" and insert in lieu thereof the following:

*Provided*, That no additional salary shall be paid such deputy, except that in counties having eighty or more schools the county commissioners may appropriate not to exceed one hundred (100) dollars for clerical assistance in the office of the county superintendent, but he shall be paid ten (10) cents a mile for the distance actually and necessarily traveled in the same manner the county superintendent is paid; *Provided, further*, That the county superintendent shall be responsible for the official acts of such deputy.

And when so amended recommend that said bill do pass.

Also,

Senate Bill No. 73,

A bill for an act to amend Sections 2, 5 and 6 of Chapter 146 of the General Laws of the year 1890, entitled "An act to provide for the leasing and sale of the common school lands of North Dakota,"

Have had the same under consideration and recommend that the same be amended as follows:

Amend Section 1, line 18 of printed bill by inserting after the word "counties" the words "except, that if an appraisal of said lands has been made by any county board of appraisal as provided by law within two years next preceding the time of such appraisal herein contemplated, such appraisal shall not be made by such county board of appraisal."

Amend Section 1, line 32 by striking out the word "and" where it occurs after the word "proceed" and inserting the word "to."

Amend Section 3, line 10 by inserting after the words "per cent" the words "of the value of cultivated lands, or of 2½ per cent. of the value of uncultivated lands as shown by the published equalized statement," and strike out the words "of the equalized statement as published" in lines 10 and 11 of printed bill.

And when so amended recommend that the said bill do pass.

J. H. WORST,  
Chairman.

The Committee on Stock made the following report:

MR. PRESIDENT:

Your Committee on Stock to whom was referred

Senate Bill No. 55,

A bill for an act to prevent the illegal branding, killing, steal-



ing, maiming or driving stock, the property of another person, from their accustomed range, in the State of North Dakota,

Have had the same under consideration and recommend that the same be amended as follows:

To strike out all of Section 4 of said bill,

And when so amended recommend that the said bill do pass.

JAMES JOHNSON,  
Chairman.

#### REPORTS OF SPECIAL COMMITTEES.

The Special Committee to whom was referred House Bill No. 44 made the following report:

MR. PRESIDENT:

Your Special Committee to whom was referred

House Bill No. 44,

A bill for an act authorizing and empowering the Governor, State Auditor and Treasurer to issue bonds to pay the State of North Dakota's share of the indebtedness of the Territory of Dakota, as determined by the Joint Commission of the States of North Dakota and South Dakota appointed pursuant to law,

For investigation, recommend that the same do pass, and attach hereto a statement from the State Auditor giving the items, as taken from the report of the Joint Commission that adjusted the claims between North and South Dakota relative to Dakota Territory, which go to make up the \$106,000 named in said bill.

Your committee earnestly recommend that these \$106,000 bonds be not floated abroad under the present depressed condition of the monetary market, which is not likely to recover for some time, but that arrangements be made to hold the same until sufficient money can be realized from the sale of the common school lands, which, in all probability, will not be later than June next, when they can be purchased by the Board of University and School Lands, thus furnishing a safe and permanent investment for so much of our common school fund and retaining that portion of our State debt at home, thereby practically incurring no liability except within ourselves.

J. L. CASHEL,  
Chairman.

AUDITOR'S OFFICE,  
BISMARCK, N. D., January, 29, 1891. }

*Messrs. Cashel, Palmer and Patch, Senate Chamber, Bismarck, N. D.:*

Replying to your request asking the items composing the \$106,000 paid out by the State of North Dakota for debts of the late Territory I have the honor to herewith submit an itemized statement of the actual funds paid out of the State Treasury up to and including December 31, 1890, viz, \$25,540.36.

Upon taking effect of the Constitution of the State of North Dakota there were outstanding Territorial refunding warrants amounting in the aggregate to \$150,000, and at the time of final settlement there was accrued interest of \$12,250 on said warrants, making a grand total of \$162,250, of which amount the State of North Dakota was required to pay one-half, under Article 16 of the Constitution.

Half of the funding warrants outstanding and the interest on the same amounts in round figures to \$81,000, and the amount of the money paid out, \$25,000 makes a total of \$106,000, the amount of the debt assumed by the State of North Dakota from the outcome of the liabilities of the late Territory.

In arriving at this amount the officers did not take into consideration fractional parts of a thousand dollars inasmuch as it was desired that the bonds be floated in denominations of thousands, hence the difference between the grand total and the amount of the bonds required.

All of which is respectfully submitted.

J. P. BRAY,  
State Auditor.

## BISMARCK PENITENTIARY.

Dan Williams, salary .....	\$	15 83
Deputy Warden, salary .....		8 33
Assistant Gate Keeper, salary .....		7 50
W. H. Young, maintenance .....		130 75
W. H. Young, maintenance .....		17 50
John Yegen, maintenance .....		68 20
T. M. Joslin, maintenance .....		13 79
W. H. Young, maintenance .....		24 12
T. W. Griffin, maintenance .....		20 40
Jos. Dietrich, maintenance .....		11 10
Bushman & Co., maintenance .....		1 35
Herman Voightlander, maintenance .....		3 44
Armour & Co., maintenance .....		14 00
John Davidson, freight .....		4 20
Bismarck Roller Mills, maintenance .....		63 45
J. D. Thompson, maintenance .....		22 30
Geo. Jennings, maintenance .....		1 60
Dan Williams, guards and employes .....		30 00
Rev. A. Mayer, chaplain .....		59 26
F. Frisby, oil .....		10 20
J. H. Marshall, shoes .....		32 25
Capital Boot & Shoe Store, gloves .....		1 15
Dahl Bros., hat .....		75
O. R. Barnes & Co., clothing, etc .....		23 55
Rev. J. McFarland, Bible, etc .....		8 00
Leavenworth & Perkins, insurance .....		6 25
Bismarck Tribune Company, incidentals .....		81 00
E. E. Morris, express .....		4 30
Argus Pub. Co., subscription .....		10 00
W. W. Goddard, subscription .....		11 00
Jos. Hartner, incidentals .....		14 00
Jno. P. Dunn, incidentals .....		25 10
H. Brandt, medicine .....		8 60
M. Eppinger, clothing .....		24 25
W. S. Moorhouse, repairs .....		11 35
Jno. Whalen, repairs .....		29 30
Gull River Lumber Co., repairs .....		32 65
J. P. Kent, repairs .....		2 35
J. H. Holt, repairs .....		4 25
Van Honton Bros., repairs .....		1 60
W. S. Moorhouse, repairs .....		6 50
O. H. Beal & Co., repairs .....		2 10
J. G. Sanders, maintenance .....		25 60
W. A. Bentley, physician .....		177 77
W. A. Fallis, teachers salary .....		5 00
M. P. Slattery, postage .....		7 50
Pioneer Pub. Co., subscription .....		5 25

Total ..... \$ 1,092 65  
Paid by warrant No. 2235, July 5, 1890.

## UNIVERSITY OF NORTH DAKOTA.

H. B. Sprague, salary to Nov. 4, 1889 .....	\$ 283 33.
Adrian Labere, salary to Nov. 4, 1889 .....	40 00
J. H. Guyot, salary to Nov. 4, 1889 .....	85 00
J. G. Hamilton, salary to Nov. 4, 1889 .....	94 44
H. G. Vick, salary to Nov. 4, 1889 .....	11 33.
A. C. McClurg & Co., library .....	277 79
Red River Lumber company, lumber .....	53 16.
Swan & Hunter, livery .....	52 40
W. H. Brown & Son, hardware .....	59 30
D. McNichol, repairs and material .....	84 51
R. B. Griffith, incidentals .....	88 74
Red River Lumber company, lumber .....	24 40
Averill, Carpenter & Co., stationery .....	107 66.
H. P. Rugg & Co., repairs .....	91 79.
C. C. Gowran, freight .....	9 00.
B. O. Paulness, repairs .....	153 81.
Collins & Murphy, coal .....	52 78
Red River Lumber company, lumber .....	62 08
Luke & Barnes, repairs .....	7 95.
T. C. Caniff, repairs .....	3 00.
Iddings & Graham, library .....	12 37
Luke & Barnes, repairs .....	3 75.
J. D. Allen, museum .....	18 50
Wolterstorf & Co., repairs .....	60 00.
Plaindealer company, diplomas .....	100 00.
W. Merrifield, salary .....	188 88.
John Macnie, salary .....	188 88.
H. B. Woodworth, salary .....	188 88.
Ludovic Estes, salary .....	188 88.
Wm. Patten, salary .....	251 85.
Jennie Allen, salary .....	94 44.
Geo. B. Hodge, salary .....	188 88.
E. J. Babcock, salary .....	102 75.

Total..... \$ 3,230 53.  
 Paid by warrant No. 2233, July 5, 1890.

## NORTH DAKOTA HOSPITAL FOR THE INSANE.

Pay roll of employees to November 4, 1889 .....	\$1,190 00.
Russell & Miller Milling Co., flour .....	151 10
Geo. R. Topliff & Co., beef .....	189 90.
Mrs. F. W. Coleman, beef .....	69 40
C. P. Smith, butter .....	251 82
S. S. Altschiel, maintenance .....	409 85.
J. W. Bowman, maintenance .....	176 57
Churchill & Webster, maintenance .....	28 76.
J. L. Price, maintenance .....	23 33.
John Wilbur, maintenance .....	24 75.
Lambert Smith, maintenance .....	84 90
A. H. McKechnie, maintenance .....	97 28
Guiler, Blewett & Co., maintenance .....	27 79
Kirk, Allen & Hawthorn, maintenance .....	15 45
D. E. Hughes, maintenance .....	6 25
E. J. Schwollenbach, ad., maintenance .....	27 00
W. R. Kellogg, printing .....	24 00.
G. C. Steele, furniture and tools .....	22 46
Wamberg & Avis, maintenance .....	9 30.
Anton Klaus, postage .....	7 50
Geo. R. Topliff & Co., coal .....	6 84

N. P. Express Co., express.....	43 33
J. B. Durkee, manager, telegraph.....	2 30
Noyes Bros. & Cutler, medicine.....	181 66
Lyman Eliel Drug Co., medicine.....	185 37
W. A. B. Graham, medicine.....	8 15
Wm. Moore, repairs.....	102 20
Geo. R. Topliff & Co., repairs.....	183 00
O. W. Archibald, return of patients.....	105 00
O. W. Archibald, ".....	45 00
O. W. Archibald, ".....	90 00
O. W. Archibald, ".....	40 00
O. W. Archibald, ".....	25 00
O. W. Archibald, ".....	80 00
O. W. Archibald, ".....	83 00
O. W. Archibald, ".....	40 00
O. W. Archibald, ".....	30 00
O. W. Archibald, ".....	153 00
O. W. Archibald, ".....	45 00
G. C. Steele, covering pipes.....	26 78
E. J. McBride, covering pipes.....	16 00
Kirk, Allen & Hawthorn, covering pipes.....	91 36
John Van Range Co., covering pipes.....	150 00
Kirk, Allen & Hawthorn, covering pipes.....	45 85
E. J. Schwellenbach, freight.....	16 40
G. C. Steele, furniture.....	49 85
Lehigh Coal & Iron Co., coal.....	1,087 57
Frank M. Andre, fuel.....	63 82
G. C. Steele, furniture.....	583 32
Kirk, Allen & Hawthorn, fire protection.....	30 70
M. Coogan & Co., electric light.....	25 00
D. S. Moore, salary.....	91 55
S. A. Archibald, salary.....	45 77
O. W. Archibald, salary.....	183 10
E. Schwellenbach, salary.....	109 87
Nickens & Baldwin, legal service.....	35 00
United Edison Manufacturing Co., electric light.....	55 85
Total.....	\$ 6,989 55
Paid by warrant No. 2,234, July-5, 1890.	

O. K. Smoyer.....	\$ 25 00
Globe Printing House.....	252 00
C. J. Pickert.....	50 00
H. E. Johnson.....	340 00
T. E. Blanchard.....	83 33
Wm. H. Kaull.....	75 35
W. W. Taylor, account Redfield College.....	130 60
Scotland Academy.....	129 20
Dakota M. E. University.....	93 20
Arvilla Academy.....	38 00
James Twamley.....	37 00
W. N. Roach.....	101 55
Western Union Telegraph company.....	14 86
Roderick Rose.....	137 50
C. F. Templeton.....	133 20
Louis W. Crofoot.....	135 63
Richard Bennett.....	50 00
J. A. Percival.....	241 65
L. A. Rose.....	27 77
R. M. Tuttle.....	2 00

N. W. Grain and Fuel company .....	4 00
John Simons .....	30 75
G. H. Bingenheimer .....	225 25
J. L. Colton .....	61 39
Western Union Telegraph company .....	3 50
C. M. Young .....	4 16
C. B. Vollandigham .....	21 80
A. A. Powers .....	35 00
Leonard Gordon .....	4 75
J. M. Spears .....	49 00
Geo. W. Kingsbury .....	187 15

## MILITARY CLAIMS.

A. P. Peake .....	210 00
D. W. Clarke .....	10 00
James D. Eaton .....	10 00
A. H. Burke .....	10 00
W. K. Smith .....	10 00
A. P. Peake .....	10 00
F. G. Whitaker .....	10 00
M. J. Halbrook .....	10 00
Wm. DeVoy .....	10 00
E. J. Schwellenbach .....	10 00
Wm. DeVoy .....	203 00
Wm. DeVoy .....	10 00
E. J. Schwellenbach .....	10 00
M. F. Holbrook .....	10 00
F. G. Whitaker .....	10 00
A. P. Peake .....	10 00
A. H. Burke .....	10 00
D. W. Yorkey .....	10 00
Wm. K. Smith .....	10 00
James D. Eaton .....	10 00
D. W. Clark .....	10 00
E. J. Schwellenbach .....	280 00
D. W. Yorkey .....	308 00
W. A. Bentley .....	50 00
James D. Eaton .....	357 00
A. H. Burke .....	231 00
D. W. Clarke .....	294 00
W. K. Smith .....	231 00
F. G. Whitaker .....	224 00
A. L. Sinclair .....	224 00
James D. Eaton .....	66 90
D. W. Yorkey .....	10 00
Robert Barton .....	205 00
C. F. Kutnewsky .....	10 00
C. L. Pratt .....	10 00
C. L. Pratt .....	140 00
C. F. Kutnewsky .....	196 00
C. F. Kutnewsky .....	10 00
C. F. Kutnewsky .....	172 91
W. H. Squier .....	204 76
D. W. Yorkey .....	177 48
Wm. DeVoy .....	159 28
Stephen Brown .....	136 51
F. G. Whitaker .....	141 06
James D. Eaton .....	232 06
M. F. Holbrook .....	154 71
W. T. Sprake .....	222 96
A. H. Burke .....	168 36

W. H. Makee.....	38 35
E. J. Schwellenbach .....	209 31
W. A. Bentley .....	50 05
A. P. Peake .....	195 66
J. S. Huston .....	4 80
W. H. Makee .....	15 51
A. H. Burke .....	30 80
G. W. Carpenter.....	37 07
E. Huntington.....	56 40
A. W. Clarke .....	2 20
J. B. Hunter .....	3 00

## TREE BOUNTY.

John L. Stevenson.....	13 00
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## GENERAL CLAIMS.

E. H. Bly .....	100 00
John Barden .....	5 00
W. W. Butterfield.....	218 45
A. J. Knight .....	276 85
W. J. Carey .....	51 00
A. S. Guthrie.....	230 95
J. S. Huston .....	122 60
Bismarck Tribune Co .....	171 47
Company C., First Regiment, D. N. G.....	100 00
Max Bass .....	37 50
F. H. Hagerty .....	83 33
E. Y. Sarles .....	50 00
W. B. Valentine .....	66 00
Z. Richey .....	42 00
Frank Donnelly .....	121 60
J. M. Bailey, Jr. ....	525 00
C. J. Pickert .....	30 00
D. E. Collins.....	189 30
N. T. Smith .....	1,000 00
Alex. Griggs .....	650 00
Judson LaMonre .....	300 00
Geo. W. Roberts .....	31 00
Louisa J. Parsons .....	10 00
Stutsman County Treasurer.....	423 13
Van Houten Bros.....	61 50
Amos Robidou .....	53 00
C. H. Phelps.....	22 26
Oscar Will .....	101 00
Pierce county .....	550 00
Total .....	\$ 14,227 63

Mr. Kinter moved

That the report of the committee be adopted, and that the committee be discharged,

Which motion prevailed.

## MOTIONS, RESOLUTIONS, ETC.

Mr. LaMoure moved

That the President be empowered to appoint an Assistant Janitor for the Senate Chamber,

Which motion prevailed.

Mr. Kinter moved

That all bills relating to revenue, taxes, collections, etc., be referred to the Joint Committee on Revenue and Taxation,  
Which motion prevailed.

Mr. Cashel moved

That House Bill No. 44 be put upon its third reading and final passage,

Which motion prevailed.

House Bill No. 44,

A bill for an act authorizing and empowering the Governor and State Auditor and State Treasurer to issue bonds to pay the State of North Dakota's share of the indebtedness of the Territory of Dakota, as determined by the Joint Commission of the States of North Dakota and South Dakota, appointed pursuant to law,

Was read the third time.

Mr. LaMoure moved

That the report of the committee be adopted,  
Which motion prevailed.

The roll being called on the final passage of the bill there were ayes 28, nays 1.

Those who voted in the affirmative were:

Messrs —

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Cashel,  
Enger,  
Engle,  
Haggart,  
Ink,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack of G F's  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svensrud,  
Weiser,  
Worst.

Messrs. Fuller and Svennungsen absent and not voting.

Mr. Brynjolfson voting in the negative.

Mr. Svennungsen being excused.

So the bill passed and the title was agreed to.

Mr. Worst introduced the following resolution:

WHEREAS, The Senate committee rooms over the Capital National bank are attractive, commodious and pleasant; and

WHEREAS, The company that gathers nightly for the transaction of the affairs of the State is congenial, genteel and even jolly, and in no sense averse to agreeable companionship; and

WHEREAS, The Senate has generously appointed nine or ten committee clerks at felicitous salaries; therefore,

*Resolved*, That the President of the Senate be requested and is hereby instructed to extend a hearty invitation to said clerical force and to inform them collectively that the presence of one or two of said clerks occasionally at the committee rooms will not overcrowd, inconvenience, or in any way mar the pleasure nor hinder the progress of Senators in the performance of their several duties.

*Resolved, further,* That an occasional blank committee report, not appropriated for any other purpose, if found in said committee rooms, would not be adversely criticised;

*Resolved, further,* That several Senators desire an occasional introduction to some of the pages when the ninth order of business is reached.

Mr. Kinter moved

That the resolution be adopted.

Mr. McCormick of Ramsey moved as a substitute that the resolution be referred to the Committee on Irrigation,

Which motion was lost.

The question recurring on the original motion.

The motion prevailed, and

The resolution was adopted.

The Senate returned to the sixth order of business.

The Committee on Elections made the following report:

MR. PRESIDENT:

Your Committee on Elections to whom was referred the contest of David B. Wellman against J. M. Patch as Senator from the Twenty-second senatorial district, have had the same under consideration and submit herewith a written statement from contestant withdrawing said contest:

BISMARCK, January 28, 1891.

*To the Senate Committee on Elections:*

GENTLEMEN: The contest now pending for a seat as State Senator for the Twenty-second Senatorial district, is hereby withdrawn.

D. B. WELLMAN,  
Contestant.

Your committee recommend that the said contest be dismissed.

H. F. ARNOLD,  
Chairman.

Mr. McCormack of Grand Forks moved

That the report of the Committee be adopted,

Which motion prevailed.

Mr. McCormack of Grand Forks was called to the Chair.

Mr. Little moved

That Senate Bills Nos. 104, 105, 106 and 107 be read the second time and referred to their proper Committees,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Svensrud introduced—

Senate Bill No. 104,

A bill for an act to amend Section 5 of Chapter 132, Laws of 1890, entitled "Revenue and Taxation,"

Which was read the first and second times, and referred to the Joint Committee on Revenue and Taxation.



Also,

Senate Bill No. 105,

A bill for an act to amend Section 1, Chapter 50, Laws of 1890, entitled "County Courts,"

Which was read the first and second times, and referred to the Committee on Judiciary.

Mr. Kinter introduced—

Senate Bill No. 106,

A bill for an act making railroad companies or corporations liable for damages by reason of sparks from locomotives or cars,

Which was read the first and second times, and referred to the Committee on Railroads.

Mr. Ink introduced—

Senate Bill No. 107,

A bill for an act providing for an appropriation for the manufacture of potato starch in the State of North Dakota,

Which was read the first and second times, and referred to the Committee on Appropriations.

#### SECOND READING OF SENATE BILLS.

Senate Bill No. 94,

A bill for an act to amend Section 8 of Chapter 155 of Session Laws of 1890,

Was read the second time, and referred to the Committee on Counties.

Senate Bill No. 95,

A bill for an act to amend an act entitled "An act to amend Sections 1, 2, 3 and 4 of Chapter 135 of General Laws of 1885,"

Was read the second time, and referred to the Committee on Counties.

Senate Bill No. 96,

A bill for an act to amend Article 1, Chapter 1 of Justice Code, being Section 6042 of the Compiled Laws of 1887,

Was read the second time, and referred to the Committee on Judiciary.

Senate Bill No. 97,

A bill for an act providing for clerk hire for the various State offices and making appropriation therefor,

Was read the second time, and referred to the Committee on Appropriations.

Senate Bill No. 98,

A bill for an act making a standing annual appropriation for the payment of the salaries of the various State officers,

Was read the second time, and referred to the Committee on Appropriations.

## THIRD READING OF SENATE BILLS.

## Senate Bill No. 76,

A bill for an act attaching the counties of Renville, Montraille, Flannery, Buford, Garfield and Stevens to the county of Ward for judicial and other purposes,

Was read the third time.

Mr. Little moved

That the report of the committee be adopted,

Which motion prevailed.

The roll being called on the final passage of the bill there were ayes 24, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Enger,  
Haggart,

Messrs—

Ink,  
Johnson, of Traill,  
Johnson, of Ward,  
Kinter,  
Little,  
Lowry,  
McCormack, G. F'ks,  
McGillivray

Messrs—

Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svensurd,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Arnold,  
Engle,  
Fuller,

Messrs—

Kuhn,  
LaMoure,

Messrs—

McCormick of Ramey,  
Svennungsen,

Mr. Svennungsen being excused.

So the bill passed and the title was agreed to.

## Senate Bill No. 45,

A bill for an act to prevent the branding of horses, mules, asses and cattle during certain seasons of the year,

Was read the third time.

Mr. Worst moved

That the report of the committee be adopted,

Which motion prevailed.

The roll being called on the final passage of the bill there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Enger,  
Haggart,  
Ink,

Messrs—

Johnson of Trail,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormack, G. F'ks,  
McGillivray,

Messrs—

Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Arnold,  
Engle,

Messrs—

Fuller,  
LaMoure,

Messrs—

McCormick, Rameey,  
Svennungsen.

Mr. Svennungsen being excused.

So the bill passed and the title was agreed to.

The Senate returned to the eighth order of business.

Mr. Haggart introduced the following resolution:

WHEREAS, The sad intelligence comes to us of the death of Hon. William Windom, Secretary of the Treasury of the United States; therefore, be it

*Resolved*, That out of respect for the memory of one of the foremost of America's statesmen, when the Senate adjourns it adjourns until next Monday at 2 o'clock p. m.; and that the flag on the Capitol building be placed at half-mast until the day and hour named.

Mr. Worst moved

The adoption of the resolution,  
Which motion prevailed.

Mr. Little moved

That the Sergeant-at-Arms be instructed to arrange the bill room for the better care of the printed documents of the Senate  
Which motion prevailed.

The Lieutenant Governor in the Chair.

Senate Bill No. 54,

A Joint Resolution and Memorial to the Legislature of Minnesota,

Was read the third time.

Mr. Little moved

That the report of the Committee be adopted,  
Which motion prevailed.

The roll being called on the final passage of the bill there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Enger,  
Fuller,  
Ink,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack of G.F.'s  
McCormick, Rameey,

Messrs—

McGillivray,  
Miller,  
Palmer,  
Patch,  
Pinkham,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Arnold,  
Engle,

Messrs—

Haggart,  
Nelson,

Messrs—

Svennungsen.

Mr. Svennungsen being excused.

So the bill passed and the title was agreed to.

The Senate returned to the ninth order of business.

Mr. Little (by request) introduced—

Senate Bill No. 108,

A bill for an act appropriating per diem to certain members and employes of the Senate for services rendered during the recess of the First Legislative Assembly of the State of North Dakota,

Which was read the first and second times, and referred to the Committee on Appropriations.

Mr. Palmer moved

That the rules be suspended and that Senate Bill No. 78 be read the third time and placed upon its final passage,

Which motion prevailed, and

Senate Bill No. 78,

Joint memorial relating to Fort Totten,

Was read the third time.

#### SPECIAL ORDERS.

The hour having arrived for the consideration of  
Senate Bill No. 31,

A bill for an act to amend Section 31, of Chapter 51, of the Session Laws of 1889, referring to the transfer of certain county funds,

It was read the third time.

Mr. Worst moved

That the report of the committee be not adopted,

Which motion prevailed.

The roll being called on the final passage of the bill there were  
ayes 27; nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhu,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F<sup>ks</sup>,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Arnold,  
Haggart,

Messrs—

Ink,

Messrs—

Svenningsen.

Mr. Svenningsen being excused.

So the bill passed and the title was agreed to.

Mr. Svensrud moved

That the report of the Committee on Senate Bill No. 78 be adopted,

Which motion prevailed.

The roll being called upon the final passage of the bill there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Enger,  
Engle,  
Fuller,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F'rks,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Arnold,  
Haggart,

Messrs—

Ink,

Messrs—

Svenningsen.

Mr. Svenningsen being excused.

So the bill passed, and the title was agreed to.

The Senate returned to the eighth order of business.

Mr. Little introduced the following Concurrent Resolution:

#### CONCURRENT RESOLUTION.

*Resolved by the Senate, the House of Representatives concurring:*  
That a committee consisting of two members of the Senate Appropriation Committee and three members of the House Appropriation Committee be appointed to inspect the Insane Asylum at Jamestown.

Mr. Little moved

That the resolution be adopted,

Which motion prevailed.

Mr. Kinter moved

That the rules be suspended and that the vote by which the House Concurrent Resolution, providing for an amendment to the State Constitution prohibiting the sale of lottery or gift enterprise tickets in this State be reconsidered,

Which motion prevailed.

Mr. Kinter moved

That the Senate do now concur in the House Concurrent Resolution and that the ayes and nays be taken,

Which motion prevailed.

The roll being call on the Concurrent Resolution there were ayes 23, nays none.

Those who voted in the affirmative were:

**Messrs—**

Almen,  
Arnold,  
Bjorgo,  
Cashel,  
Eger,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,

**Messrs—**

Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G F's,  
McCormick, Ramsey,  
McGillivray,  
Miller,

**Messrs—**

Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

**Messrs—**

Bidlake,  
Bisbee,  
Brynjolfson,

**Messrs—**

Engle,  
Fuller,  
Haggart,

**Messrs—**

Ink,  
Svennungsen.

Mr. Svennungsen being excused.

So the bill passed and the title was agreed to.

## FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 20,

A bill for an act to amend Section 1 of Chapter 108 of the Laws of North Dakota regulating the practice of pharmacy.

Was read the first and second times, and referred to the Committee on Public Health.

House Bill No. 25,

A bill for an act to encourage the development of the coal mines of the State, and to determine the kind of coal that shall be used as fuel in the various State Institutions,

Was read the first and second times, and referred to the Committee on Mines and Mining,

House Bill No. 32,

A bill for an act to amend Section 7 of Chapter 91 of the Laws passed at the First Session of the Legislative Assembly of the State of North Dakota, entitled "An Act relating to marriage and providing license,"

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 63,

A bill for an act authorizing county commissioners to loan moneys from any county funds in which there is a surplus to any county fund where there is a deficiency,

Was read the first and second times, and referred to the Committee on Counties.

The President announced the appointment of O. N. Farley as Assistant Janitor of the Senate Chamber.

Also,

The appointment of Messrs. Daniel Barstadt, James Donohue and Mrs. J. B. Cook as Clerks of the Senate.

Also,

Messrs. Little and Bidlake as members of the Senate Appropriation Committee to inspect the Asylum at Jamestown.

The Senate returned to the eighth order of business.

Mr. Arnold introduced the following Concurrent Resolution:

CONCURRENT RESOLUTION.

*Be it resolved by the Senate, the House of Representatives Concurring:*  
That the Governor, be and he is hereby requested to return to the Senate for correction, Senate Bill No. 17, being a bill for an act authorizing the Governor of the State to restore to the Elk Valley Farming Company a parcel of land conveyed to the Territory of Dakota, according to the provisions of Section 1, Chapter 13, Special Laws, 1883.

Mr. Arnold moved  
The adoption of the resolution,  
Which motion prevailed.

Mr. Cashel moved  
That the Senate do now adjourn,  
Which motion prevailed, and  
The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

TWENTY-EIGHTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 2, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Almen, Kuhn, McCormack of Grand Forks and Svenningsen, who were excused.

The Journal of the preceding day was read and approved.

Mr. Arnold moved

That the record of proceedings, with reference to Senate Bill No. 17, on page 136 be expunged from the Journal, and that message from the House on page, 25th day, (page 119) in relation to Senate Bill No. 58 be corrected so as to refer to House Bill No. 58.

Which motion prevailed.

PETITIONS AND COMMUNICATIONS.

Mr. Haggart presented the following communication:

Resolution adopted by the Cass County Sunday School Convention December 9, 1890:

*Resolved*, That the Sabbath School workers of Cass county, North Dakota, in convention assembled hereby declare themselves opposed to the resubmission of the question of prohibition to the voters of our State; but they do favor the rigid enforcement of our excellent prohibitory law and their further amendment so as to banish from our border all "original packages houses."

We instruct our Executive Committee to sign this resolution and furnish a copy to every member of the Cass county Legislative delegation.

A. L. WALL,  
FRED. HEATH,  
CHAS. MELLETTTE,  
Executive Committee.

Mr. Haggart moved

That the resolution be referred to the Committee on Temperance.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary made the following report:



MR. PRESIDENT:

Your committee on Judiciary to whom was referred  
Senate Bill No. 62,

A bill for an act amending Sections 5128, 5129, 5132 and 5138 of Article 2, Code of Civil Procedure, Compiled Laws of 1887, entitled "Exemptions,"

Have had the same under consideration and recommend that the same be amended as follows:

Amend the title of said bill by striking out all after the word "amending" in said title, and insert in lieu thereof the following: "Sections 324, 325 and 328 as amended by Section 2, Chapter 55, General Laws of 1885," and Section 333 of Chapter 13 of the Code of Civil Procedure Revised Codes of 1877, under the head "Entitled Exemptions."

Also, amend the first part of Section 1 of said bill so as to read as follows:

SECTION 1. That Sections 324, 325 and 328 as amended by Section 2, Chapter 55 of the General Laws 1885, and 333 of Chapter 13 of the Code of Civil Procedure of the Revised Codes of 1887, under the head "Entitled Exemptions," be severally amended so as to read as follows:

Also strike out the figures "5128" in line 6 of said Section 1, and insert in lieu thereof the figures "324." Also, strike out the figures "5129" in line 18 of said Section 1, and insert in lieu thereof the figures "325." Also, strike out the figures "5132" in line 56 of said Section 1, and insert in lieu thereof the figures "328." Also, the words "as amended by Section 2, Chapter 55 of the General Laws of 1885." Also, strike out the figures "5138" in line 78 of said Section 1, and insert in lieu thereof the figures "333." Also, insert Section 2 as follows: "All acts or parts of acts in conflict with the provisions of this act are hereby repealed."

And when so amended recommend that said bill do pass.

Also,

Senate Bill No. 63,

A bill for an act to amend an act entitled "Homesteads," contained in Section 2456 of Chapter 23 of the Code of Civil Procedure, Compiled Laws of 1887,

And recommend that the same be amended as follows:

Amend the title of said bill so as to read as follows:

A bill for an act to amend Section 8, Chapter 38, of the Political Code, Revised Codes of 1877, as amended by Section 2, Chapter 65, of the General Laws of 1885, entitled "Homestead and the Conveyance Thereof."

Also amend the first part of Section 1 so as to read as follows:

Section 1. That Section 8, Chapter 38, of the Political Code Revised Codes of 1877 as amended by Section 2, Chapter 65, of the General Laws of 1885, be amended so as to read as follows:

Also, strike out the figures "2456" in line 5 of said Section 1 and insert in lieu thereof the figure "8."

Also insert Section 2 as follows: All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

And when so amended recommend that said bill do pass.

C. B. LITTLE,  
Chairman.

#### MOTIONS AND RESOLUTIONS.

Mr. Cashel asked unanimous consent to withdraw Senate Bill No. 73,

Which was granted.

Mr. Haggart asked unanimous consent to withdraw Senate Bill No. 101,

Which was granted.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Cashel introduced—

Senate Bill No. 109,

A bill for an act to amend Section 112 of Chapter 2 of the Justices Code, being Section 6153 of the Compiled Laws,

Which was read the first time.

Also,

Senate Bill No. 110,

A bill for an act to amend Section 1407 of Article 5 of the Political Code, Compiled Laws of 1887, entitled "Fees of Register of Deeds,"

Which was read the first time.

Mr. Palmer introduced—

Senate Bill No. 111,

A bill for an act to provide for the establishment of election precincts,

Which was read the first time.

Mr. Little introduced—

Senate Bill No. 112,

A bill for an act to amend Chapter 82 of the Laws of 1890. being "An Act to subdivide the Sixth judicial district of the State of North Dakota, and to fix the terms of court therein,

Which was read the first time.

Mr. Haggart introduced—

Senate Bill No. 113,

A bill for an act providing for an appropriation for the annual tournament of the North Dakota Firemen's Association,

Which was read the first time.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }  
February 2, 1891. }

*To the President of the Senate:*

I have the honor to inform you that I have this day approved Senate Bill No. 17,

An act authorizing the Governor to restore to the Elk Valley Farming company a parcel of land conveyed to the Terri-

tory of Dakota according to the provisions of Section 1, Chapter 13, Session Laws 1883.

Respectfully,  
ANDREW H. BURKE,  
Governor.

### THIRD READING OF SENATE BILLS.

Senate Bill No. 55,

A bill for an act to prevent the illegal branding, killing, stealing, maiming or driving stock, the property of another person, from their accustomed range, in the State of North Dakota,

Was read the third time.

Mr. Miller moved

That the report of the committee be adopted,  
Which motion prevailed.

The roll being called on the final passage of the bill as amended there were ayes 23, nays none.

Those who voted in the affirmative were:

Messrs—

Bidlake,  
Bisbee,  
Brynjolfson,  
Cashel,  
Enger,  
Fuller,  
Haggart,  
Ink,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
LaMoure,  
Little,  
Lowry,  
McCormick, Ramsey,  
McGillivray,

Messrs—

Miller,  
Nelson,  
Palmer,  
Patch,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Almen,  
Arnold,  
Bjorgo,

Messrs—

Engle,  
Kuhn,  
McCormack, G. F'rks,

Messrs—

Pinkham,  
Svennungsen.

Messrs. Almen, Kuhn, McCormick of Grand Forks and Svennungsen being excused.

So the bill passed, and the title was agreed to.

Mr. McGillivray moved

That the vote by which Senate Bill No. 55 was passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate Bill No. 37,

A bill for an act in relation to the collection of personal property taxes for the year 1890,

Was read the third time.

Mr. Svensrud moved

That the report of the committee be adopted,  
Which motion prevailed.

The roll being called on the final passage of the bill as amended there were ayes 21, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Haggart,	McCormick, Ramsey,
Bisbee,	Ink,	Miller,
Bjorgo,	Johnson of Traill,	Nelson,
Brynjolfson,	Johnson of Ward,	Palmer,
Cashel,	Kinter,	Patch,
Engle,	Little,	Svensrud,
Enger,	Lowry,	Weiser.
Fuller,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Almen,	LaMoure,	Pinkham,
Arnold,	McCormack, G. F's,	Svennungsen,
Kuhn,	McGillivray,	Worst.

Messrs. Almen, Kuhn, McCormack of Grand Forks, and Svennungsen being excused.

So the bill passed, and the title was agreed to.

Mr. McCormick of Ramsey moved

That the vote by which Senate Bill No. 37 was passed be reconsidered,

Which motion prevailed.

The roll being called on the final passage of the bill as amended there were ayes 24, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Haggart,	McGillivray,
Bisbee,	Ink,	Miller,
Bjorgo,	Johnson of Traill,	Nelson,
Brynjolfson,	Johnson of Ward,	Palmer,
Cashel,	Kinter,	Patch,
Engle,	Little,	Svensrud,
Enger,	Lowry,	Weiser,
Fuller,	McCormick, Ramsey,	Worst.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Almen,	LaMoure,	Pinkham,
Arnold,	McCormack of G.F's	Svennungsen.
Kuhn,		

Messrs. Almen, Kuhn, McCormack of Grand Forks and Svennungsen being excused.

So the bill passed, and the title was agreed to.

Senate Bill No. 18,

A bill for an act to amend Section 33 of Chapter 2 of an act passed at the First Legislative Assembly of the State of North Dakota, known as the School Law,

Was read the third time.

Mr. Little moved

That the report of the committee be adopted,

Which motion prevailed.

Mr. Little moved

That Senate Bill No. 18 be recommitted to the Committee on Education,

Which motion prevailed.

Mr. McCormick of Ramsey moved

That the courtesies of the floor be extended to Prof. Spear of Devils Lake,

Which motion prevailed.

Senate Bill No. 91,

A bill for an act providing for the incorporation of detective agencies,

Was read the third time.

Mr. Little moved

That the report of the Committee be adopted,

Which motion prevailed.

Mr. McCormick of Ramsey moved

That further consideration of Senate Bill No. 91 be indefinitely postponed,

Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
February 2, 1891. }

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 2,

A bill for an act regulating appeals from the district courts to the Supreme Court, and to repeal Chapters 2 and 16 of the Code of Civil Procedure, Dakota Territory, as published in Levissee's Code; and Chapters 20 and 26 of the Session Laws of Dakota Territory of the year 1887; also Sections 5213 to 5239, both inclusive, of the Compiled Laws of Dakota Territory of the year 1887,

Which the House has amended as follows:

Amend Section 3 and line 3, printed bill, by striking out the word "thirty" and inserting in lieu thereof the word "ninety."

Amend Section 4 by striking out of line 10, printed bill, the word "Territory" and inserting the word "State."

Amend Section 5 by striking out of line 3, printed bill, the word "if" where it occurs the second time in said line, and inserting the word "is."

Also, in line 16, same Section, strike out the word "twenty" and insert in lieu thereof the word "ninety."

Amend Section 16 by striking out of line 3, printed bill, the word "three" and inserting in lieu thereof the word "ten."

Amend Section 20 by striking out of line 9, printed bill, the word "or" where it occurs the second time in said line and inserting in lieu thereof the word "on."

Amend Section 22 by striking out of line 7, printed bill, the word "if"

where it occurs the first time in said line and inserting in lieu thereof the letter "a."

Also amend the same section and line by adding after the word "neglect" the letter "a"

Also strike out of same section and line the word "thirty" and insert in lieu thereof the word "sixty."

Also strike out of same section and line 8 the word "of" where it first occurs in said line and insert in lieu thereof the word "on."

Also strike out of line 11, same section, the word "thirty" and insert in lieu thereof the word "sixty."

Amend Section 24 by striking out of line 7, printed bill, the word "for" and inserting in lieu thereof the word "after."

Strike out the word "county" in line 8 of Section 26 and insert in lieu thereof the word "courts."

And your concurrence in the amendments is respectfully requested.

Also,

Senate Bill No. 3,

Regulating the practice in the Supreme Court, which the House has passed with the following amendments:

Amend the title of the bill to read as follows:

A bill for an act regulating the practice in the Supreme Court and in the district court in certain instances.

Also, amend Section 2 by adding after the word "state" where it occurs the second time in line 11, printed bill, the following:

*Provided, further,* That any district court or judge thereof before whom any writ is made returnable, as prescribed in this section, is hereby vested with full power and authority necessary for carrying into complete execution all of its judgments, decrees and determinations, subject to appeal as provided by law."

And your concurrence therein is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

Senate Bill No. 53,

A bill for an act to fix the compensation of the judges of the county courts, county auditors and county superintendents of schools in counties having a population of less than 1,000,

Was read the third time.

Mr. Miller moved

That the report of the committee be adopted,

Which motion prevailed.

The roll being called on the final passage of the bill as amended there were ayes 19, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Bisbee,  
Brynjolfson,  
Cashel,  
Enger,  
Ink,

Messrs—

Johnson, of Traill,  
Johnson, of Ward,  
Kinter,  
Little,  
Lowry,  
McCormick of Ramey

Messrs—

Miller,  
Nelson,  
Palmer,  
Svensurd,  
Weiser,  
Worst.

Absent and not voting:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Almen,	Haggart,	McGillivray
Bjorgo,	Kuhn,	Patch,
Engle,	LaMoure,	Pinkham,
Fuller,	McCormack, G. F'ks,	Svennungsens.

Messrs. Almen, Kuhn, McCormack of Grand Forks, Pinkham and Svennungsens being excused.

So the bill passed and the title was agreed to.

The Senate returned to the tenth order of business.

Mr. Little moved

That the Senate concur in the House amendments to Senate Bill No. 3,

Which motion prevailed.

The roll being called on the final passage of the bill as amended there were ayes, 22; nays none.

Those who voted in the affirmative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Arnold,	Haggart,	McGillivray,
Bidlake,	Ink,	Miller,
Bisbee,	Johnson of Trail,	Nelson,
Bjorgo,	Johnson of Ward,	Patch,
Brynjelfson,	Kinter,	Svensrud,
Cashel,	Little,	Weiser,
Engle,	McCormick, Ramsey,	Worst.
Enger,		

Absent and not voting:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Almen,	LaMoure,	Palmer,
Fuller,	Lowry,	Pinkham,
Kuhn,	McCormack, G. F'ks,	Svennungsens.

Messrs. Almen, Kuhn, McCormack of Grand Forks and Svennungsens being excused.

So the bill passed and the title was agreed to.

The Senate returned to the eighth order of business.

Mr. McGillivray moved

That the courtesies of the floor be extended to Hon. Geo. Auld of Stark county,

Which motion prevailed.

Mr. Little moved

That the Senate do not concur in the House amendments to Senate Bill No. 2, and that the Chair appoint a Conference Committee of three to meet a like Committee from the House to consider the amendments,

Which motion prevailed.

The President announced the appointment of Messrs. Little, Ink and Worst as such Conference Committee.

FIRST READING OF HOUSE BILLS.

House Bill No. 58,

A bill for an act for the protection of bank depositors,  
Was read the first time.

The Senate returned to the ninth order of business.

Mr. Worst moved

That the rules be suspended and that Senate Bill No. 114 be  
read the first and second times,  
Which motion prevailed.

Mr. Worst introduced—

Senate Bill No. 114,

A bill for an act making appropriations for a library in the  
office of the State Superintendent of Public Instruction,

Which was read the first and second times, and referred to the  
Committee on State Library.

The President announced his signature to

House Bill No. 44,

A bill for an act authorizing and empowering the Governor and  
State Auditor and State Treasurer to issue bonds to pay the State  
of North Dakota's share of the indebtedness of the Territory of  
Dakota, as determined by the Joint Commission of the States of  
North Dakota and South Dakota, appointed pursuant to law.

Also,

To the House Concurrent Resolution, providing for an amend-  
ment to the State Constitution prohibiting the sale of lottery or  
gift enterprise tickets in this State.

The President announced the appointment of Theodore North-  
rop on the clerical force of the Senate.

Mr. Worst moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.



## TWENTY-NINTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 3, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Kuhn, McCormack of Grand Forks and Svennungsen, who were excused.

The Journal of the preceding day was read and approved.

## PETITIONS AND COMMUNICATIONS.

Mr. Pinkham presented the following petition:

*To the Honorable Senate and House of Representatives of the State of North Dakota:*

We, the undersigned, citizens of Cass county and State of North Dakota, do respectfully petition your honorable body to repeal Section 41 of Article 3, District School Law of 1890.

R. T. MORTON,  
and 8 others.

Also,

Same petition signed by Anders A. Eltun and 24 others of Cass county.

Also,

Same petition signed by A. W. Kuhn and 16 others of Cass county.

## REPORTS OF STANDING COMMITTEES.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred Senate Bill No. 98,

A bill for an act making a standing annual appropriation for the payment of the salaries of the various State officers,

Have had the same under consideration and recommend that the same do pass.

Also,

Senate Bill No. 97,  
A bill for an act providing for clerk hire for the various State  
offices and making appropriation therefor,  
And recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads to whom was referred  
Senate Bill No. 106,  
A bill for an act making railroad companies or corporations  
liable for damages by reason of sparks from locomotives or cars,  
Have had the same under consideration and recommend that  
the same be amended as follows:

By inserting the word "persons" in the title after the word "com-  
panies," and inserting the word "engines" after the word "locomotives."  
After the word "companies" in Section 1, line 1 insert the word "per-  
sons."

In line 2, same section, strike out the words "over roads"  
Strike out all after the word "defect" in line 8 of the printed bill.

And when so amended recommend that said bill do pass.

R. JOHNSON,  
Chairman.

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on Ways and Means to whom was referred  
Senate Bill No. 13,  
A bill for an act to amend Sections 7, 29, 55, 56, 57, 62, and re-  
pealing Section 58, of an act prescribing the mode of making as-  
sessments and the levy and collection of taxes, and for other pur-  
poses relative thereto, approved March 11, 1890,  
Have had the same under consideration and recommend that  
the same be referred to the Joint Committee on Taxation.

JUDSON LAMOURE,  
Chairman.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred  
Senate Bill No. 102,  
A bill for an act to authorize the State Treasurer to transfer the  
sum of \$2,589.29 credited to the Stock Indemnity Fund, as pro-  
vided by Section 17, Chapter 32 of the General Laws of 1887, and  
also the sum of \$4,543.55 credited to the counties of Buford,  
Flannery and Montraille, to the General Fund of the State of  
North Dakota,

Have had the same under consideration and recommend that  
the same be amended as follows:

Amend the title by striking out all after the word "transfer" in line 1, down to and including the word "dollars" in line 2, original bill, and insert in lieu thereof the words "all moneys now to the credit of the Stock Indemnity Fund, and all moneys that may be hereafter paid into said fund."

Amend Section 1 by striking out all after the word "transfer" in line 12, and insert in lieu thereof the following: "All moneys now to the credit of the Stock Indemnity Fund, and all moneys that may be hereafter paid into said fund, as provided for by Section 17, Chapter 32 of the General Laws of 1887, to the General Fund of said State."

And when so amended recommend that the same do pass.

JAMES McCORMICK,  
Chairman.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred  
Senate Bill No. 22,

A bill for an act to amend Section 79 of Article 6 of Chapter 62 of the Session Laws of 1890, entitled "Education,"

Have had the same under consideration and recommend that the same do not pass.

J. H. WORST,  
Chairman.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred  
Senate Bill No. 25,

A bill for an act for the protection of laborers employed by men running threshing machines in this State,

Have had the same under consideration and recommend that the same be referred to the Committee on Judiciary.

JAMES McCORMICK,  
Chairman.

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on Ways and Means to whom was referred  
Senate Bill No. 40,

A bill for an act to amend Section 1 of an act, entitled "An Act extending the time of payment of taxes for the year 1890,"

Have had the same under consideration and recommend that the same be indefinitely postponed for the reason that the subject matter has already been acted upon by the Senate.

Also,  
Senate Bill No. 21,

A bill for an act to require county treasurers to deposit county funds in designated depositories, and providing for interest thereon,

And recommend that the same do not pass for the following reasons:

First. It would cause the release of the bonds of the county treasurers.  
 Second. Banks of small capital would outbid good responsible banks, thereby endangering the security of the county funds.

JUDSON LAMOURE,  
 Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred  
 Senate Bill No. 35,

A bill for an act providing for the cancellation of certain illegal taxes on railroad grant lands upon which the United States survey fees had not been paid and describing the manner in which it shall be done,

Have had the same under consideration and recommend that the same do pass.

Also,

Senate Bill No. 85,

A bill for an act to amend Chapter 88 of the General Laws of 1881, relating to place of trial in justice court,

And recommend that the same be amended as follows:

Strike out the word "amended" in line 1 of said bill and insert in lieu thereof the word "section"

And when so amended recommend that said bill do pass.

Also,

Senate bill No. 36,

A bill for an act defining the boundaries of the Fifth judicial district, subdividing the same and fixing the time for holding the terms of the district court therein,

And recommend that the same be amended as follows:

Amend line 4 of Section 4 of said bill by striking out the word "September" where it appears and inserting in lieu thereof the words "the fourth Tuesday of October."

Also, strike out Section 9 of said bill.

Also change Section 10 to Section 9, Section 11 to Section 10, Section 12 to Section 11.

And when so amended recommend that said bill do pass.

Also,

Senate Bill No. 49,

A bill for an act relating to the sale of property under an execution, decree, mortgage or lien,

And recommend that the same be returned to the Senate without recommendation.

C. B. LITTLE,  
 Chairman.

MOTIONS, RESOLUTIONS, ETC.

Mr. McCormick of Ramsey moved

That the President be and he is hereby empowered to appoint three additional clerks when he deems the same necessary.

Mr. Bidlake moved

To amend by striking out the word "three" and inserting the word "ten."

Mr. Pinkham moved

That the amendment be laid upon the table,  
Which motion prevailed.

Mr. Kinter moved

That the original motion be laid upon the table,  
Which motion was lost.

The question recurring upon the original motion,  
The motion prevailed.

Mr. McCormick of Ramsey was called to the Chair.

Mr. Arnold introduced the following resolution:

WHEREAS, Section 30 of Article 2 of the Constitution of the State of North Dakota, prescribes as follows: "The Senatorial districts shall be numbered consecutively from one upwards, according to the number of districts prescribed, and the Senators shall be divided into two classes. Those elected in the districts designated by even numbers shall constitute one class, and those elected in districts designated by odd numbers shall constitute the other class. The Senators of one class elected in the year 1890 shall hold their office for two years, those of the other class shall hold their office for four years, and the determination of the two classes shall be by lot, so that one-half of the Senators, as nearly as practicable may be elected biennially."

*Therefore be it resolved by the Senate:*

That a committee consisting of Lieutenant-Governor Roger Allin, Senator J. H. Worst and Senator Judson LaMoure be and they are hereby appointed to devise ways and means for carrying out said constitutional requirement; that the drawing as therein provided for shall be held in open Senate at the hour of 3 o'clock p. m. of the 4th day of February, A. D. 1891.

Mr. Arnold moved

That the resolution be adopted.

Mr. Pinkham moved, as an amendment to the resolution,

That the details of the drawing be left to the Lieutenant Governor,

Which amendment was lost.

The question recurring on the motion to adopt the resolution,  
The motion prevailed.

#### INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Arnold introduced—

Senate Bill No. 115,

A bill for an act to amend Sections 2 and 10 of Chapter 107 of the General Laws of 1890, entitled "An Act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils,"

Which was read the first time.

Mr. Engle introduced—

Senate Bill No. 116,

A bill for an act requiring railroad companies to use safety couplers on freight cars,

Which was read the first time.

Also,

Senate Bill No. 117,

A bill for an act to amend Section 8 of Chapter 72 of the General Laws of 1890, the same being an act entitled "An act to provide for the incorporation of certain classes of benevolent and charitable institutions,"

Which was read the first time.

Mr. Bisbee introduced—

Senate Bill No. 118,

A bill for an act to prohibit the bringing of civil suits against individuals in the courts of this State other than in the county or counties of such individual or individuals' residence,

Which was read the first time.

Mr. Little introduced—

Senate Bill No. 119,

A bill for an act fixing the minimum time for which offenders may be committed to the Penitentiary,

Which was read the first time.

Mr. Bidlake introduced—

Senate Bill No. 120,

A bill for an act to amend Section 103, Chapter 132, Session Laws of 1890,

Which was read the first time.

Also,

Senate Bill No. 121,

A bill for an act to amend Section 2, Chapter 52, Session Laws of 1889, and Section 15, Chapter 10, Session Laws of 1887,

Which was read the first time.

Mr. McGillivray introduced—

Senate Bill No. 122,

A bill for an act to regulate the use of marks and brands and trade marks,

Which was read the first time.

Mr. Cashel introduced—

Senate Bill No. 123 and moved that it be read the first and second times, and referred to its proper Committee,

Which motion prevailed, and

Senate Bill No. 123,

A bill for an act to amend Sections 2, 5, 6 and 11 of Chapter 146 of the General Laws of the year 1890, entitled "An act to provide for the leasing and sale of the common school lands of North Dakota,"

Which was read the first and second times, and referred to the Committee on Public Lands.

The Lieutenant Governor in the Chair.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 109,

A bill for an act to amend Section 112 of Chapter 2 of the Justices' Code, being Section 6153 of the Compiled Laws,

Was read the second time, and referred to the Committee on Judiciary.

Senate Bill No. 110,

A bill for an act to amend Section 1407 of Article 5 of the Political Code, Compiled Laws of 1887, entitled "Fees of Register of Deeds,"

Was read the second time, and referred to the Committee on Judiciary.

Senate Bill No. 111,

A bill for an act to provide for the establishment of election precincts,

Was read the second time, and referred to the Committee on Elections.

Senate Bill No. 112,

A bill for an act to amend Chapter 82 of the Laws of 1890, being "An Act to subdivide the Sixth judicial district of the State of North Dakota, and to fix the terms of court therein.

Was read the second time, and referred to the Committee on Judiciary.

Senate Bill No. 113,

A bill for an act providing for an appropriation for the annual tournament of the North Dakota Firemen's Association,

Was read the second time and referred to the Committee on Appropriations.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 62,

A bill for an act amending Sections 5128, 5129, 5132 and 5138 of Article 2, Code of Civil Procedure, Compiled Laws of 1887, entitled "Exemptions,"

Was read the third time.

Mr. Cashel moved

That the report of the committee be adopted,

Which motion prevailed.

The roll being called upon the final passage of the bill as amended there were ayes 10, nays 17.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Cashel,  
Ink  
Kinter,

Messrs—

LaMoure,  
Little,  
McGillivray,

Messrs—

Miller,  
Palmer,  
Worst.

Those who voted in the negative were:

Messrs—  
Almen,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Engle,

Messrs—  
Enger,  
Fuller  
Johnson of Traill,  
Johnson of Ward,  
Lowry,  
McCormick, Ramsey,

Messrs—  
Nelson,  
Patch,  
Pinkham,  
Svensrud,  
Weiser.

Absent and not voting:

Messrs—  
Haggart,  
Kuhn,

Messrs—  
McCormack G. Fk's,

Messrs—  
Svennungsen.

Messrs. Kuhn, McCormack of Grand Forks and Svennungsen being excused.

So the bill was lost.

Senate Bill No. 63,

A bill for an act to amend Section 2456 of Chapter 23, Code of Civil Procedure, Compiled Laws of 1887, entitled "Homestead,"

Was read the third time.

Mr. Cashel moved

That the report of the committee be adopted.

Mr. Nelson moved as a substitute,

That the report of the committee, together with Senate Bill No. 63, be laid upon the table.

The roll being called on the motion to lay the report of the committee, with Senate Bill No. 63, on the table, there were ayes 22, nays 5.

Those who voted in the affirmative were:

Messrs—  
Almen,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Engle,  
Enger,  
Fuller,

Messrs—  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
LaMoure,  
Lowry,  
McCormick, Ramsey,  
McGillivray,

Messrs—  
Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svensrud,  
Weiser.

Those who voted in the negative were:

Messrs—  
Arnold,  
Cashel,

Messrs—  
Ink,  
Little,

Messrs—  
Worst.

Absent and not voting:

Messrs—  
Haggart,  
Kuhn,

Messrs—  
McCormack, G. Fk's

Messrs—  
Svennungsen.

Messrs. Kuhn, McCormack of Grand Forks, and Svennungsen being excused.

So the substitute motion prevailed, and

The bill was laid upon the table.

Mr. McCormick of Ramsey moved



That the vote by which Senate Bill No. 62 was lost be reconsidered, and that the motion to reconsider be laid upon the table,  
Which motion prevailed.

SECOND READING OF HOUSE BILLS.

House Bill No. 58,  
A bill for an act for the protection of bank depositors,  
Was read the second time, and referred to the Committee on Banks and Banking.

Mr. Cashel moved  
That Senate Bill No. 123 be recalled from the Committee on Public Lands and referred to the Committee on Education,  
Which motion prevailed.

The Senate returned to the eighth order of business.  
Mr. McGillivray moved  
That fifty extra copies of Senate Bill No. 122 be printed for distribution among the stock men in the State,  
Which motion prevailed.

The Senate returned to the sixth order of business.  
The Committee on Cities and Municipal Corporations made the following report:

MR. PRESIDENT:

Your Committee on Cities and Municipal Corporations to whom was referred

Senate Bill No. 10,  
A bill for an act to amend Section 15 of Chapter 24 of the Political Code, entitled "Incorporation of towns and cities,"

Have had the same under consideration and recommend that the same do pass.

B. W. FULLER,  
Chairman.

The President announced the appointment of Miss Nellie McDonald to the clerical force of the Senate.

Mr. LaMoure moved  
That the Senate do now adjourn,  
Which motion prevailed, and  
The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

THIRTIETH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 4, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Rev. E. P. LaCell.

Roll called.

All members present except Messrs. Kuhn, McCormack of Grand Forks, and Svennungsen, who were excused.

The Journal of the preceding day was read and approved.

REPORTS OF STANDING COMMITTEES.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred Senate Bill No. 100,

A bill for an act to appropriate money to pay the expenses of selecting and acquiring title to lands donated by Congress to the State of North Dakota for its public institutions, and to carry out the provisions of an act providing for the organization of the Board of University and School Lands, approved March 20, 1890,

Have had the same under consideration and recommend that the same be amended as follows:

In Section 2 after the words "not otherwise appropriated the sum of," the word "five" be substituted for the word "ten."

And when so amended recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

The Committee on Public Health made the following report:

MR. PRESIDENT:

Your Committee on Public Health to whom was referred Senate Bill No. 83,

A bill for an act to regulate the practice of veterinary medicine and surgery,

Have had the same under consideration and recommend that the same do not pass.

Also,

House Bill No. 20,

A bill for an act to amend Section 1 of Chapter 108 of the Laws of North Dakota regulating the practice of pharmacy,

And recommend that the same do pass.

S. B. BRYNJOLFSON,  
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

Senate Bill No. 89,

A bill for an act exempting certain property and things from attachment and execution,

Have had the same under consideration and recommend that the same be amended as follows:

Amend said bill by adding Section 5 as follows:

"SEC. 5. All acts or parts of acts in conflict with the provisions of this act are hereby repealed."

And when so amended recommend that the same do pass.

Also,

Senate Bill No. 16,

A bill for an act to declare certain combinations, contrivances, agreements and trusts unlawful, and to restrain and punish the same,

And recommend that further action on said bill be indefinitely postponed, for the reason that the provisions of this act are fully covered by Chapters 173 and 174 of the Session Laws of 1890.

C. B. LITTLE,  
Chairman.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 3,

A bill for an act regulating the practice in the Supreme Court and in the district court in certain instances,

And find the same correctly engrossed and enrolled.

R. N. INK.  
Chairman.

#### REPORTS OF SPECIAL COMMITTEES.

The Conference Committee on Senate Bill No. 2 made the following report:

MR. PRESIDENT:

The Conference Committee of the Senate and House to whom was referred

Senate Bill No. 2,

A bill for an act regulating appeals from the district courts to the Supreme Court, and to repeal Chapters 2 and 16 of the Code of Civil Procedure, Dakota Territory, as published in Levissee's Code; and Chapters 20 and 26 of the Session Laws of Dakota Territory of the year 1887; also Sections 5213 to 5239, both inclusive, of the Compiled Laws of Dakota Territory of the year 1887,

Have had the same under consideration and recommend:

That the House recede from its amendment in line 3, Section 3, printed bill, and that the word "thirty" in said line 3 be stricken out, and the word "sixty" be inserted in lieu thereof.

Also, that the House recede from its amendment to line 16, Section 5, and the word "thirty" be substituted for the word "ninety" in said line 16.

Also, that the House recede from its amendment in line 3, Section 16, and that the word "six" be substituted for the word "ten" as amended in said line 3.

Also, that the House recede from its amendment to line 7, Section 22.

And your committee recommend that the above report be agreed to and adopted.

C. B. LITTLE,  
J. H. WORST,  
R. N. INK,  
On part of Senate.  
H. S. OLIVER,  
JOHN BURKE,  
W. O. WARD,  
On part of House.

Mr. Worst moved

That the report of the Conference Committee be adopted,

Which motion prevailed.

The roll being called upon the final passage of Senate Bill No. 2 as amended, there were ayes 27, nays 1.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjoltson,  
Cashel,  
Engle,  
Enger,

Messrs—

Fuller,  
Haggart,  
Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Little,  
Lowry,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Kuhn,

Messrs—

McCormack of G.Fk's

Messrs—

Svenningsen.

Mr. LaMoure voting in the negative.

Messrs. Kuhn, McCormack of Grand Forks and Svennungsen being excused.

So the bill passed, and the title was agreed to.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. McCormick of Ramsey introduced—

Senate Bill No. 124,

A bill for an act to amend Section 1, Chapter 189, General Laws of 1890, entitled "An act requiring the payment of fees into the State Treasury by corporations upon filing of articles of incorporation, or upon increase of capital stock,

Which was read the first time.

Mr. Worst introduced—

Senate Bill No. 125,

A bill for an act to amend Sections 3, 4, 7, 8, 22, 24, 32, 37, 40, 55, 66, 67, 68, 74, 75, 79, 81, 83, 87, 101, 110, 121, 122, 135, 136, 137, 140, 143, 144, 148, 167, 169 and 192 of Chapter 62, Laws of 1890, entitled "An act to provide for a uniform system of free public schools throughout the State and to prescribe penalties for violation of the provisions thereof,

Which was read the first time.

The President announced his signature to

Senate Bill No. 3,

A bill for an act regulating practice in the Supreme Court.

SECOND READING OF SENATE BILLS.

Senate Bill No. 115,

A bill for an act to amend Sections 2 and 10 of Chapter 107 of the General Laws of 1890, entitled "An Act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils,"

Was read the second time, and referred to the Committee on State Affairs.

Senate Bill No. 116,

A bill for an act requiring railroad companies to use safety couplers on freight cars.

Was read the second time, and referred to the Committee on Railroads.

Senate Bill No. 117,

A bill for an act to amend Section 8 of Chapter 72 of the General Laws of 1890, the same being an act entitled "An act to provide for the incorporation of certain classes of benevolent and charitable institutions,"

Was read the second time, and referred to the Committee on Corporations Other Than Municipal.

## Senate Bill No. 118,

A bill for an act to prohibit the bringing of civil suits against individuals in the courts of this State other than in the county or counties of such individual or individuals' residence,

Was read the second time, and referred to the Committee on Judiciary.

## Senate Bill No. 119,

A bill for an act fixing the minimum time for which offenders may be committed to the Penitentiary,

Was read the second time, and referred to the Committee on Judiciary.

## Senate Bill No. 120,

A bill for an act to amend Section 103, Chapter 132, Session Laws of 1890,

Was read the second time, and referred to the Committee on Judiciary.

## Senate Bill No. 121,

A bill for an act to amend Section 2, Chapter 52, Session Laws of 1889, and Section 15, Chapter 10, Session Laws of 1887,

Was read the second time, and referred to the Committee on Judiciary.

## THIRD READING OF SENATE BILLS.

## Senate Bill No. 10,

A bill for an act to amend Section 15, of Chapter 24, of the Political Code, entitled, "Incorporation of towns and cities,"

Was read the third time.

Mr. Almen moved

That the report of the Committee be adopted,

Which motion prevailed.

The roll being called on the final passage of the bill there were ayes 23, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
LaMoure,  
Lowry,  
McCormick, Ramsey,  
Miller,

Messrs—

Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svensrud,  
Welser,  
Worst.

Absent and not voting:

Messrs—

Bisbee,  
Fuller,  
Haggart,

Messrs—

Kuhn,  
Little,  
McCormack, G. F's,

Messrs—

McGillivray,  
Svennungsen.

Messrs. Kuhn, McCormack of Grand Forks and Svennungsen being excused.

So the bill passed, and the title was agreed to.

## Senate Bill No. 102,

A bill for an act to authorize the State Treasurer to transfer the sum of \$2,589.29 credited to the Stock Indemnity Fund, as provided by Section 17, Chapter 32 of the General Laws of 1887, and also the sum of \$4,543.55 credited to the counties of Buford, Flannery and Montrail, to the General Fund of the State of North Dakota,

Was read the third time.

Mr. Cashel moved

That the report of the committee be adopted,

Which motion prevailed.

The roll being called on the final passage of Senate Bill No. 102 as amended there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,

Messrs—

Haggart,  
Ink,  
Johnson, of Traill,  
Johnson, of Ward,  
Kinter,  
Little,  
Lowry,  
McCormick of Ramey  
McGillivray

Messrs—

Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svensurd,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Fuller,  
Kuhn,

Messrs—

LaMoure,  
McCormack, G. F'ks,

Messrs—

Svennungsen.

Messrs. Kuhn, McCormack of Grand Forks and Svennungsen being excused.

So the bill passed and the title was agreed to.

## Senate Bill No. 22,

A bill for an act to amend Section 79 of Article 6 of Chapter 62 of the Session Laws of 1890, entitled "Education,"

Was read the third time.

Mr. Cashel moved

That the report of the committee be adopted,

Which motion prevailed.

The roll being called on the final passage of Senate Bill No. 22 as amended there were ayes 11, nays 16.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bjorgo,  
Cashel,

Messrs—

Enger,  
Johnson of Traill,  
Johnson of Ward,  
McCormick, Ramsey,

Messrs—

Patch,  
Pinkham,  
Weiser.

Those who voted in the negative were.

Messrs—  
 Bidlake,  
 Bisbee,  
 Brynjolfson,  
 Engle,  
 Fuller,  
 Haggart,

Messrs—  
 Ink,  
 Kinter,  
 LaMoure,  
 Lowry,  
 McGillivray,

Messrs—  
 Miller,  
 Nelson,  
 Palmer,  
 Svensrud,  
 Worst.

Absent and not voting:

Messrs—  
 Kuhn,  
 Little,

Messrs—  
 McCormack, G. F<sup>ks</sup>,

Messrs—  
 Svennungsen.

Messrs. Kuhn, McCormack of Grand Forks, and Svennungsen being excused.

So the bill was lost.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
 February 4, 1891. }

MR. PRESIDENT:

I have the honor to transmit herewith  
 House Bill No. 82,

A bill for an act to provide a penalty for the unlawful sale or disposal of fire arms or ammunition for the same to any Indians who are not citizens of the United States.

Also,  
 House Bill No. 94,

A bill for an act attaching certain townships to the county of Ramsey.

Also,  
 House Bill No. 97,

A bill for an act empowering and authorizing the Governor of the State of North Dakota to furnish arms and equipments to all Grand Army posts in good standing in the State of North Dakota.

Also,  
 House Bill No. 49,

A bill for an act for the protection of game.

Which have passed the House, and your favorable consideration thereof is respectfully requested.

Also,  
 Senate Bill No. 9,

A joint resolution and memorial to the President of the United States, the Secretary of War and both branches of the National Congress, asking for enlargement of Fort Abraham Lincoln and increase of number of troops at such post,

Which the House has passed unchanged.

Also,



Senate Bill No. 93,

A bill for an act for the appropriation of moneys for the payment of mileage, per diem and salaries of members and employes of the Legislative Assembly of the State of North Dakota, and authorizing the payment therefor.

Which the House has passed with the following amendment:

Amend the title of the bill to read as follows:

A bill for an act for the appropriation of moneys for the payment of mileage and per diem of members and the salaries of employes of the Legislative Assembly of the State of North Dakota and authorizing the payment thereof,"

And your concurrence therein is respectfully requested.

Also,

House Bill No. 9,

A bill for an act to provide facilities for marketing wool.

Also,

House Bill No. 12,

A bill for an act regulating the admission of attorneys to practice in the courts of the State of North Dakota.

Also,

House Bill No. 31,

A bill for an act to authorize and regulate within this State the business of commercial agencies, credit companies and guarantee associations.

Also, to inform the Senate that the House has adopted the report of the Conference Committee on Senate Bill No. 2, regulating appeals to the Supreme Court, and has passed the bill as amended by the report of the Conference Committee.

And further to inform the Senate that the Speaker has appointed as the House members of the Joint Committee to consider all election bills, Messrs. Brooke, Dennett, Strom and Fiske.

J. G. HAMILTON,  
Chief Clerk.

The President announced the appointment of the following as the Senate members of the Joint Committee on Elections, Messrs. Arnold, Ink and Cashel.

#### SPECIAL ORDERS.

The hour having arrived for the consideration of Special Orders,

Senate Bill No. 33,

A bill for an act to fix the maximum rate that railroad companies may charge for the transportation of coal mined within the State of North Dakota,

Was read and placed upon its final passage.

Mr. Johnson of Ward moved

That the report of the committee be adopted,

Which motion prevailed.

Mr. Johnson of Ward moved

To amend by striking out in line 6, Section 1, the word and figures "ninety (90)" and inserting the word and figures "eighty (80)" in lieu thereof,

Which motion prevailed.

Mr. LaMoure moved

That the vote by which the report of the committee on Senate Bill No 33 was adopted be reconsidered,

Which motion prevailed.

Mr. Svensrud moved

To amend the amendment of the committee in line 1, Section 1, by striking out the word "no,"

Which motion prevailed.

The question recurring upon the adoption of the report of the Committee as amended,

The report was adopted.

Mr. McCormick of Ramsey moved

That the rules be suspended and that Senate Bill No. 33 be placed upon its final passage,

Which motion was lost, and

The bill was referred to the Enrolling and Engrossing Committee.

Senate Bill No. 97,

A bill for an act providing clerk hire for the various State Offices and making appropriation therefor,

Was read the third time.

Mr. McGillivray moved

That the report of the committee be adopted,

Which motion prevailed.

Mr. Worst moved

To amend line 11 of Section 1 by striking out the figures "\$1,800" and inserting the figures "\$2,400" in lieu thereof,

Which motion was lost.

Mr. Nelson moved

To amend line 14 of Section 1 by striking out the figures "\$1,000" and inserting the figures "\$500,"

Which motion was lost.

Mr. Cashel moved

To amend line 9, Section 1, by striking out the figures "\$3,000" and inserting in lieu thereof the figures "\$2,500."

Mr. Pinkham moved

To amend the amendment by striking out the figures "\$2,500" and inserting in lieu thereof the figures "\$2,000,"

Which motion was lost.

The question recurring upon the original amendment, as moved by Mr. Cashel,

Roll call was demanded.

The roll being called there were ayes 18, nays 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Enger,	Lowry,
Arnold,	Fuller,	Miller,
Bisbee,	Ink,	Nelson,
Bjorgo,	Johnson of Ward,	Patch,
Brynjolfson,	Kinter,	Pinkham,
Cashel,	LaMoure,	Svensrud.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Little,	Palmer,
Engle,	McCormick, Ramsey	Weiser,
Haggart,	McGillivray,	Worst.
Johnson of Traill,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Kuhn,	McCormack, G. F'ks,	Svennungsen.

Messrs. Kuhn, McCormack of Grand Forks and Svennungsen being excused.

So the amendment prevailed.

Mr. Cashel moved

To amend line 12 of Section 1 by striking out the figures "\$2,500" and inserting in lieu thereof the figures "\$1,800."

Mr. Little moved

That Senate Bill No. 97 be recommitted.

The roll being called on the motion to recommit there were ayes 13, nays 14.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Kinter,	McGillivray,
Arnold,	Little,	Palmer,
Bisbee,	Lowry,	Weiser,
Haggart,	McCormick, Ramsey,	Worst.
Johnson of Traill,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Enger,	Nelson,
Bjorgo,	Fuller,	Patch,
Brynjolfson,	Johnson of Ward,	Pinkham,
Cashel,	LaMoure,	Svensrud.
Engle,	Miller,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Ink,	McCormack, G. F'ks	Svennungsen.
Kuhn,		

Messrs. Kuhn, McCormack of Grand Forks and Svennungsens being excused.

So the motion was lost.

The question recurring on the motion to amend line 12 of Section 1 as made by Mr. Cashel,

The motion prevailed.

Mr. Nelson moved

To amend line 13 of Section 1 by striking out the figures "\$1500" and inserting the figures "\$1200."

Mr. Svensrud moved

To lay the amendment upon the table,

Which motion was lost.

Mr. Haggart moved

That a Special Committee of five be appointed to consider Senate Bill No. 97, and that the same be made a special order for Friday at 3 o'clock p. m., and that no members of the Committee on Appropriations be included in the Special Committee,

Which motion prevailed.

The President appointed as such committee Messrs. LaMoure, Nelson, Bisbee, Pinkham and Kinter.

Senate Bill No. 98,

A bill for an act making a standing annual appropriation for the payment of the salaries of the various State officers,

Was read the third time.

The report of the committee was adopted.

The roll being called upon the final passage of the bill there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Fuller,	McGillivray,
Arnold,	Haggart,	Miller,
Bidlake,	Ink,	Nelson,
Bisbee,	Johnson of Traill,	Palmer,
Bjorgo,	Johnson of Ward,	Patch,
Brynjolfson,	Kinter,	Pinkham,
Cashel,	LaMoure,	Svensrud,
Engle,	Lowry,	Weiser,
Enger,	McCormick, Ramsey,	Worst.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Kuhn,	McCormack, G. F'rke,	Svennungsens.
Little,		

Messrs. Kuhn, McCormack of Grand Forks and Svennungsens being excused.

So the bill passed, and the title was agreed to.

The Senate returned to the eighth order of business.

Mr. Arnold moved

That the courtesies of the floor be extended to Mr. Heidel of Valley City,

Which motion prevailed.

Mr. Gillivray moved

That the courtesies of the floor be extended to Messrs. McFarland and Greene of Morton county,

Which motion prevailed.

Mr. Haggart moved

That the vote by which Senate Bill No. 98 was passed be reconsidered, and that the vote to reconsider be laid upon the table,

Which motion prevailed.

Mr. Almen moved

That Senate Bill No. 21 be made a special order for to-morrow at 3:30 o'clock p. m.,

Which motion prevailed.

Mr. Johnson of Ward moved

That Senate Bill No. 33 be made a special order for to-morrow at 2:30 p. m.,

Which motion prevailed.

Mr. Worst moved

That the Senate concur in the House amendment to the title of Senate Bill No. 93,

Which motion prevailed.

Mr. Worst moved

That sixty extra copies of Senate Bill No. 125 be printed for the use of the Superintendent of Public Instruction,

Which motion prevailed.

Mr. LaMoure moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

## THIRTY-FIRST DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 5, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Rev. E. P. LaCell.

Roll called.

All members present except Messrs. McCormack of Grand Forks and Svennungsen, who were excused.

The Journal of the preceding day was read and approved.

## PETITIONS AND COMMUNICATIONS.

Mr. Lowry presented the following petition:

WHEATLAND, N. D., January 28, 1891.

*To the Honorable Senate of the State of North Dakota:*

We, the members of Wheatland Lodge, No. 10, I. O. G. T., do hereby petition the members of your honorable body not to resubmit the question of prohibition to the vote of the people.

And we would further respectfully petition your honorable body to do all in your power to suppress the sale of any kind of intoxicating liquors, whether in original packages or otherwise.

E. L. BRENNER,  
and 27 others.

The petition was referred to the Committee on Temperance.

The President announced his signature to  
Senate Bill No. 93,

A bill for an act for the appropriation of moneys for the payment of mileage, per diem and salaries of members and employes of the Legislative Assembly of the State of North Dakota, and authorizing the payment therefor.

## REPORTS OF STANDING COMMITTEES.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 93,

A bill for an act for the appropriation of moneys for the payment of mileage, per diem and salaries of members and employees of the Legislative Assembly of the State of North Dakota, and authorizing the payment therefor,

And find the same correctly engrossed and enrolled.

R. N. INK,  
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

Senate Bill No. 96,

A bill for an act to amend Article 1, Chapter 1 of Justices' Code, being Section 6042 of the Compiled Laws of 1887,

Have had the same under consideration and recommend that the same be amended as follows:

Amend the title of said bill by inserting before the word "article" in line 1 of said title the words "Section 2 of."

Also, amend the title to said bill by striking out all after the words "Justices' Code" in line 2 of said title and insert in lieu thereof the following: "Revised Codes of 1877, entitled 'An Act to establish a code of proceedings in courts of justices of the peace, and to limit the jurisdiction of the same.'"

Also, amend Section 1 of said bill so as to read as follows:

"SEC. 1. That Section 2 of Article 1 of Chapter 1 of the Justices' Code, Revised Codes of 1877, entitled 'An Act to establish a code of proceedings in courts of justices of the peace, and to limit the jurisdiction of the same,' be amended so as to read as follows:"

Also, strike out the figures "6042" where they appear in line 5 of said bill and insert in lieu thereof the figure "2."

Also, insert emergency clause, as follows:

"SEC. 2. Inasmuch as it is essential that the above entitled act should conform to the State Constitution; therefore, this act shall take effect and be in force from and after its passage and approval."

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved

That the report of the Committee on Senate Bill No. 96 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads to whom was referred

Senate Bill No. 71,

A bill for an act to amend subdivisions *e*, *f* and *g*, of Section 8 of Chapter 122 of the Laws of 1890, pertaining to the regulations of common carriers,

Have had the same under consideration and recommend that the same be amended as follows:

Strike out Section 2 of said bill on the ground that said Section 2 is not necessary.

And when so amended recommend that the same do pass.

R. J. JOHNSON,  
Chairman.

Mr. Bjorgo moved

That the report of the committee on Senate Bill No. 71 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred

Senate Bill No. 18,

A bill for an act to amend Section 33 of Chapter 2 of an act passed at the First Legislative Assembly of the State of North Dakota, known as the School Law,

Have had the same under consideration and recommend that the same be amended as follows:

Strike out all after the word "having" in line 3, original bill.

Also, all of lines 4, 5, 6, 7, 8 and 9 to the word "and" and insert the following in lieu thereof: "One school and not over five, one hundred (100) dollars; six schools and not over ten, two hundred (200) dollars; eleven schools and not over fifteen, three hundred (300) dollars; sixteen schools and not over twenty, four hundred (400) dollars; twenty-one schools and not twenty-five, five hundred (500) dollars; twenty-six schools and not over thirty, six hundred (600) dollars; thirty-one schools and not over thirty-five, seven hundred (700) dollars; thirty-six schools and not over forty, eight hundred (800) dollars; forty-one schools and not over fifty, nine hundred (900) dollars."

And when so amended recommend that the same do pass.

Strike out the word "six" in line 12 and insert the word "two."

In line 13 strike out the figures in brackets "1600" and insert the figures "1200."

Amend lines 25 and 26 by striking out the words and figures "three hundred (300) dollars" and insert the words and figures "one hundred (100) dollars" in lieu thereof.

Strike out all of Section 1 after the word "county" in line 30 and insert the following in lieu thereof: "Provided, That no additional salary shall be paid such deputy, except that in counties having eighty or more schools the county commissioners may appropriate not to exceed one hundred (100) dollars for clerical assistance in the office of the county superintendent, but he shall be paid five (5) cents a mile for the distance actually and necessarily traveled in the same manner the county superintendent is paid; *Provided, further*, That



the county superintendent shall be responsible for the official acts of such deputy."

J. H. WORST,  
Chairman.

Mr. Little moved

That the report of the committee on Senate Bill No. 18 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred  
Senate Bill No. 12,

A bill for an act to amend Sections 48, 57, 62 to 70 inclusive of Article 6, and Sections 91 to 101 inclusive of Article 7, and Section 164, Article 17, of an act providing for a uniform system of public schools,

Have had the same under consideration and recommend that the same be amended as follows:

In Section 48, line 13, strike out the words "to serve" and insert in lieu thereof the word "and"

In Section 63, line 5, insert the words "give or" before the word "post."

In Section 66, line 8, after the word "hands" insert the words "belonging to the proper fund."

In Section 67, line 4, after the word "hand" insert the words "belonging to the proper fund."

In line 12 after the word "at" insert the word "eight" and enclose the figure "8" in parentheses. After the word "annum" insert the words "from the date of such presentation and endorsement."

In line 16 strike out the word "drawer" and insert in lieu thereof the word "drawee."

In the same line after the word "warrant" insert the words "at his last known place of residence to present such warrant."

In Section 68, line 6, after the word "paid" insert the following: "And shall have endorsed thereon that such warrant is issued within the constitutional debt limit."

In Section 91, line 10, strike out the words "December, March, June and September" and insert in lieu thereof the words "January, April, July and October."

In lines 11 and 12 strike out the words "first Monday of June and December" and insert in lieu thereof the words "third Monday in February, May, August and November."

In line 12 strike out the words "to apportion the State Tuition Fund" and insert in lieu thereof the words "to certify to the State Superintendent of Public Instruction the amount of the State Tuition Fund, and the State Superintendent shall immediately apportion said fund."

In line 15 after the word "certify" insert the words "to the State Auditor" and strike out the word "each" and insert in lieu thereof the word "the."

In line 16 after the word "treasurer" insert the words "and the county superintendent of schools of each county."

In line 16 strike out the word "and" and all the words following down to and including the word "therefor" in line 22 and insert in lieu thereof the following:

"Immediately upon receipt of said apportionment from the State Superintendent as herein provided, the State Auditor shall draw a warrant upon the State Treasurer for the full amount of the State Tuition Fund apportioned to the several counties and shall deliver the same to the State Treasurer taking his receipt therefor, and shall notify the several county treasurers of the amount due their respective counties, and that such warrant has been issued therefor, and the State Treasurer shall pay on such warrant to the several county treasurers the amount due their respective counties."

In line 24 strike out the words "by the State Auditor."

In line 25 strike out the words "the county treasurer," and all the words down to and including the word "apportionment" in line 27, and insert in lieu thereof the following: "All officers making or certifying such apportionment or through whose hands any portion of said fund shall pass."

In line 29 after the word "fund" insert the following: "Which was apportioned prior to the third Monday in November of said year."

In line 31 after the word "and" insert the words "the county treasurer."

In Section 92, line 4, strike out the word "auditor" and insert in lieu thereof the word "superintendent." Insert a comma (,) after the word "superintendent" so inserted in line 4, and a comma (,) after the word "district" in line 5.

In line 8 strike out the word "auditor" and insert in lieu thereof the word "superintendent."

In line 10 after the word "law" insert the following: "the State Tuition Fund shall be used only in the payment of teachers' wages; *Provided*, That if the State Tuition Fund apportioned to any district in any one year is insufficient for the payment of teachers' wages in such district, any money on hand or available belonging to the special fund of such district may be applied to meet such deficiency; *Provided, further*, That if the State Tuition Fund apportioned to any one district in any year is more than sufficient for the payment of teachers' wages in such district the portion of such fund in excess of the amount so required may be applied to the payment of warrants drawn upon the special fund of such district, if such district has school the required number of months during such year as provided by law."

In Section 93, line 3, after the word "possession" insert the word "of."

In Section 94, line 3, after the word "treasurer" strike out the word "shall" and insert in lieu thereof a comma (,).

In line 4 strike out the words "State Auditor" and insert in lieu thereof the words "county superintendent." Strike out the word "from" and insert in lieu thereof the word "of."

In line 5 strike out the words beginning "in each year" down to and including the words "fund and" in line 8 and insert in lieu thereof a comma (,).

In Section 97, line 21, strike out the word "treasure" and insert in lieu thereof the word "treasurer."

After line 30 and before line 31 insert the words "the amount paid for apparatus and fixtures."

In line 32 strike out the words "per cent" and insert in lieu thereof the word "commission."

In line 33 strike out the whole line.

After line 35 and before line 36 insert the words "the amount paid for incidental expenses."

In Section 100, line 6, strike out the parentheses around the word "since."

In line 17, after the word "taxes" insert the following: "Whenever an error occurs in any school corporation tax list, the district school board, or board of education in special districts, may, since all taxes are to be collected by the county treasurer, correct and refund such improper collection of taxes. All penalty and interest collected on delinquent school taxes shall be applied to the proper fund to which such delinquent taxes belong."

In Section 101, line 25, strike out the word "the" and insert in lieu thereof the word "two."

In line 26 strike out the parentheses around the word "county."

In Section 164, line 6 after the word "each" insert a comma (,)

In Section 164, line 23 after the word "out" insert the following: "*Provided, further, That the treasurer shall pay all interest coupons immediately when due, from the special fund of the proper district, and such interest coupons shall take precedence of warrants registered for payment.*"

J. H. WORST,  
Chairman.

Mr. Worst moved

That the report of the committee on Senate Bill No. 12 be adopted.

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

Mr. Cashel moved

That when Senate Bill No. 12 is engrossed the same be re-printed.

Which motion prevailed.

Mr. LaMoure was called to the Chair.

The hour having arrived for the consideration of Special Orders,

Senate Bill No. 33,

A bill for an act to fix the maximum rate that railroad companies may charge for the transportation of coal mined within the State of North Dakota,

Was read.

Mr. McCormick of Ramsey moved

That the Senate take a recess of ten minutes,

Which motion prevailed.

Mr. Johnson of Ward moved

That Senate Bill No. 33 be recommitted to the Committee on Railroads,

Which motion prevailed.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have delivered

Senate Bill No. 93,

A bill for an act for the appropriation of moneys for the payment of mileage, per diem and salaries of members and employes of the Legislative Assembly of the State of North Dakota, and authorizing the payment therefor.

To the Governor this 5th day of February, 1891, at 2:25 o'clock p. m.

R. N. INK,  
Chairman.

## REPORTS OF SPECIAL COMMITTEES.

The special Joint Committee appointed to inspect the State Hospital for the Insane at Jamestown made the following report:

*To the Senate of the Second Legislative Assembly of the State of North Dakota:*

We, your Joint Committee appointed Friday, January 30, 1891, to inspect the State Hospital for the Insane at Jamestown and report thereon, would respectfully submit:

That all of your committee went to the institution and spent Saturday, January 31, 1891, there and made a thorough examination of the buildings, machinery and farm stock, and also the condition of the inmates of the institution.

The farm buildings and live stock show good care by the steward.

The surplus water from the artesian well with the sewerage system from the buildings will be used by the steward to the best advantage, and very materially increase the returns from the garden and insure the growth of the young trees set out by him to beautify the grounds.

We are glad to report that the poor unfortunates for whose benefit the institution is maintained seem happy and contented, and in uniformly good bodily health, under the efficient management of the Superintendent and his able corps of assistants, who all seem to have the good of the institution and its inmates at heart. And while we feel that a mere money consideration is not what the able and worthy Superintendent and the efficient assistant are striving for, we feel that in consequence of their peculiar fitness for the positions they occupy they should have proper recognition, and we are united in respectfully requesting that the salary of the Superintendent be increased \$500, and that of the assistant physician be increased \$200.

All of which is respectfully submitted.

M. L. ENGLE,  
JOHN BIDLAKE,  
On behalf of the Senate.  
M. N. TRIPLETT,  
JOHN S. RICHIE,  
FRANK WHITE,  
On behalf of the House.

February 4, 1891.

Mr. Worst moved

That the report of the Special Committee be referred to the Committee on Appropriations,  
Which motion prevailed.

Mr. LaMoure announced for the committee appointed to devise ways and means to carry out the provisions of the Constitution relating to the odd and even numbered districts that the committee were not ready to report.

Mr. Ink moved

That the committee be granted further time,  
Which motion prevailed.

Mr. Worst moved

That Senate Bill No. 19 be withdrawn from the House for correction,

Which motion prevailed.

## COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }  
February 5, 1891. }

*To the President of the Senate:*

I have the honor to inform you that I have this day approved Senate Bill No. 3,

An Act regulating practice in the Supreme Court and the district court in certain cases.

I also this day approved

Senate Bill No. 93,

An Act for the appropriation of moneys for the payment of mileage and per diem of members and the salaries of employes of the Legislative Assembly of the State of North Dakota and authorizing the payment thereof.

Very respectfully,

ANDREW H. BURKE,  
Governor.

Mr. Miller introduced the following

## CONCURRENT RESOLUTION.

*Be it Resolved by the Senate, the House of Representatives concurring:*  
That a Joint Committee of five be appointed, consisting of two Senators and three Representative, to consider all bills relating to prairie fires and expedients for relief therefrom.

Mr. Miller moved

That the resolution be adopted,

Which motion prevailed.

Mr. Almen moved

That Messrs. Kinter and Worst be appointed as a Special Committee to ascertain the number of clerks and employes now in the Senate, and the number actually needed, and that the Committee report to the Senate to-morrow,

Which motion prevailed.

## INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Haggart moved

That the rules be suspended, and that Senate Bills Nos. 126, 127 and 128 be read the first and second times and referred to their proper committees,

Which motion prevailed.

Mr. McCormick of Ramsey introduced—

Senate Bill No. 126,

A bill for an act to amend Section 2 of Chapter 124 of the General Laws of 1890, entitled "An act relating to the shipment of live stock and grain,"

Which was read the first and second times, and referred to the Committee on Railroads.

Mr. Hagart introduced—

Senate Bill No. 127,

A bill for an act authorizing special school districts to refund bonded indebtedness, and to transfer certain funds,

Which was read the first and second times, and referred to the Committee on Education.

Mr. Kinter introduced—

Senate Bill No. 128,

A bill for an act to amend Section 2, Chapter 38 of the General Laws of 1890, entitled "An act authorizing counties to build all bridges within the county limits wherein the cost of the construction of the same exceeds the sum of \$100,"

Which was read the first and second times, and referred to the Committee on Counties.

#### SECOND READING OF SENATE BILLS.

Senate Bill No. 122,

A bill for an act to regulate the use of marks and brands and trade marks,

Was read the second time, and referred to the Committee on Stock.

Senate Bill No. 124,

A bill for an act to amend Section 1, Chapter 189, General Laws of 1890, entitled "An act requiring the payment of fees into the State Treasury by corporations upon filing of articles of incorporation, or upon increase of capital stock.

Was read the second time, and referred to the Committee on Banks and Banking.

#### FIRST READING OF HOUSE BILLS.

Mr. Worst moved

That all House bills now on the Secretary's desk be read the first and second times and referred to their proper committees,

Which motion prevailed.

House Bill No. 9,

A bill for an act to provide facilities for marketing wool,

Was read the first and second times, and referred to the Committee on Stock.

House Bill No. 12,

A bill for an act regulating the admission of attorneys to practice in the courts of the State of North Dakota,

Was read the first and second times, and referred to the Committee on Judiciary.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, {  
February 5, 1891. }

MR. PRESIDENT:

I have the honor to transmit herewith a Concurrent Resolution providing for a joint committee of the Senate and House to revise, compile and codify all school laws.

CONCURRENT RESOLUTION.

*Be it Resolved by the House of Representatives, the Senate Concurring:* That a joint committee, consisting of four members, two to be appointed by the Speaker of the House and two by the President of the Senate, together with the State Superintendent of Public Instruction, who shall be chairman of such committee, shall be appointed for the purpose of arranging, compiling and codifying all school laws, school land laws and laws pertaining to the State educational institutions at present in force in this State, and including the laws and amendments relating thereto that may be enacted at this session of the Legislative Assembly; and such committee shall report to the Legislative Assembly not later than the fifty-fifth day of the session.

Which the House has passed and your concurrence therein is respectfully requested.

Also,

House Bill No. 111,

A bill for an act to amend Section 39 of Chapter 21 of the Political Code,

Which the House has passed and your favorable consideration thereof is respectfully requested.

I have also to request that the Senate return House Bill No. 58 transmitted to the Senate January 30, 1891, as the House desires to further amend the same.

J. G. HAMILTON,  
Chief Clerk.

Mr. Svensrud moved

That House Bill No 58 be returned to the House,  
Which motion prevailed.

House Bill No. 31,

A bill for an act to authorize and regulate within this State the business of commercial agencies, credit companies and guarantee associations,

Was read the first and second times, and referred to the Committee on Ways and Means.

House Bill No. 49,

A bill for an act for the protection of game,

Was read the first and second times, and referred to the Committee on Judiciary.

SPECIAL ORDERS.

The hour having arrived for the consideration of special orders,

Mr. Almen moved

That Senate Bill No. 21 be referred to the Committee on Counties,

Which motion prevailed.

House Bill No. 82,

A bill for an act to provide a penalty for the unlawful sale or disposal of firearms or ammunition for the same to any Indians who are not citizens of the United States,

Was read the first and second times, and referred to the Committee on State Affairs.

House Bill No. 94,

A bill for an act attaching certain townships to the county of Ramsey.

Was read the first and second times, and referred to the Committee on Counties.

House Bill No. 97,

A bill for an act empowering and authorizing the Governor of the State of North Dakota to furnish arms and equipments to all Grand Army posts in good standing in the State of North Dakota,

Was read the first and second times, and referred to the Committee on Military Affairs.

Mr. McGillivray moved

That the Senate do now adjourn.

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.



## THIRTY-SECOND DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 6, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Rev. E. P. LaCell.

Roll called.

All members present except Mr. Svenningsen, who was excused.

Mr. Cashel moved

That the reading of the Journal be dispensed with and that a committee of two be appointed to revise the same,

Which motion prevailed, and

The President appointed Messrs. LaMoure and Fuller as such committee.

## REPORTS OF STANDING COMMITTEES.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred

Senate Bill No. 88,

A bill for an act relating to registering county warrants and duty of the county treasurer relating thereto,

Have had the same under consideration and recommend that the same do pass.

Also.

Senate Bill No. 27,

A bill for an act to amend Section 18 of Chapter 152, entitled "An Act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein," approved February 14, 1890, and recommend that the same do pass.

Also,

Senate Bill No. 94,

A bill for an act to amend Section 8 of Chapter 155 of Session Laws of 1890,

And recommend that the same be referred to the Committee on Stock.

JAMES JOHNSON,  
Chairman.

Which report was adopted, as regards Senate Bill No. 94, and the bill was referred to the Committee on Stock.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred  
Senate Bill No. 95,

A bill for an act to amend an act entitled "An act to amend Sections 1, 2, 3 and 4 of Chapter 135 of General Laws of 1885,"

Have had the same under consideration and recommend that the same be referred to the Committee on Stock.

JAMES JOHNSON,  
Chairman.

Which report was adopted, and Senate Bill No. 95 was referred to the Committee on Stock.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred  
House Bill No. 63,

A bill for an act authorizing county commissioners to loan moneys from any county funds in which there is a surplus to any county fund in which there is a deficiency,

Have had the same under consideration and recommend that the same do pass.

JAMES JOHNSON,  
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred  
Senate Bill No. 121,

A bill for an act to amend Section 2, Chapter 52, Session Laws of 1889, and Section 15, Chapter 10, Session Laws of 1887,

Have had the same under consideration and recommend that the same do pass.

Also,

Senate Bill No. 119,

A bill for an act fixing the minimum time for which offenders may be committed to the Penitentiary,

And recommend that it be amended by striking out the word "shall" in line 8 of said Section 1 and inserting in lieu thereof the word "may,"

And as so amended recommend that said bill do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved

That the report of the committee on Senate Bill No. 119 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads to whom was referred

Senate Bill No. 33,

A bill for an act to fix the maximum rate that railroad companies may charge for the transportation of coal mined within the State of North Dakota,

Have had the same under consideration and recommend that the same be amended as follows:

Insert the word "not" after the word "shall" in line 4 of Section 1.

And when so amended recommend that the same do pass.

R. J. JOHNSON,  
Chairman.

Mr. Kinter moved

That the report of the committee be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

#### REPORTS OF SPECIAL COMMITTEES.

The Special Committee on Senate Bill No. 97 made the following report:

MR. PRESIDENT:

You Special Committee to whom was referred

Senate Bill No. 97,

A bill for an act providing for clerk hire for the various State offices and making appropriation therefor,

Have had the same under consideration and recommend that the same be amended as follows:

In line 7 strike out the figures "2,500" and insert the figures "2,000."

In line 9 strike out the figures "3,000" and insert the figures "2,100."

In line 12 strike out the figures "2,500" and insert the figures "2,100."

Strike out all of line 14.

And when so amended recommend that the same do pass.

JUDSON LAMOURE,  
Chairman.

Mr. Almen moved

That the report of the Committee on Senate Bill No. 97 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

Mr. LaMoure made the following verbal report on behalf of the committee to devise means to draw lots for the long and short terms:

Your committee met and there was a deference shown to each member to make suggestions as to the manner of drawing. I finally made the proposition that we each write out a programme for adoption by the committee, and if there was any difference that we each flip up a copper as to which plan we recommend to the Senate. Mr. Worst's programme was decided upon, and that was that Mr. Worst do the drawing and I hold the sticks.

Mr. Ink moved as a substitute

That the Lieutenant Governor in the presence of the Senate prepare thirty-one envelopes with thirty-one cards therein, all of which cards shall be blank excepting one on which there shall be written the words "long term," he shall then place the same in a box, the Senators from the even numbered Senatorial districts shall select one of the Pages to draw for them. The Senators from the odd numbered Senatorial districts shall select one of the Pages to draw for them. The drawing shall commence with district number one, and draw alternately, the Page who draws for the odd numbered districts shall draw an envelope and hand the same to the Secretary who shall open the same in the presence of the Senate, then the Page who draws for the even numbered districts shall draw in like manner until the card on which is written "long term" shall be drawn, and the class of Senators represented by the Page who draws the "long term," card shall be declared elected for the long term.

Mr. Kinter moved

That the rules be suspended for the purpose of considering the report of the Special Committee,

Which motion was lost, and

The subject was deferred until to-morrow.

The Special Committee appointed to inquire into the number of clerks in the employ of the Senate made the following report:

MR. PRESIDENT:

Your committee appointed by order of the Senate to report the number of clerks who have been appointed on the Engrossing and Enrolling force, also the number appointed on committee work and the number actually required to do the work, report the following:

On Engrossing and Enrolling force, 14.

On committee work, 7.

We also find that owing to the large number of bills to be engrossed, together with the many and extended amendments reported by committees, to a great number of the tills, that not less than three additional clerks will be needed on and after this date on the Engrossing and Enrolling force.

We have also made diligent inquiry as to the qualifications required of those to be appointed, and find also on investigation that the following persons have the requisite qualifications, namely: A. Boley, Morton county; E. S. Allen, Burleigh county; W. O. Baird, Twenty-second district; and we recommend their appointment.

We also recommend that if any of those now engaged on the Engrossing and Enrolling force can be spared that they be assigned to committee work.

Respectfully submitted,

F. M. KINTER,  
J. H. WORST.

Mr. Little moved

That the rules be suspended and that the report of the Special Committee be adopted.

Which motion was lost.

#### MOTIONS, RESOLUTIONS, ETC.

Mr. Almen introduced the following concurrent resolution:

#### CONCURRENT RESOLUTION.

*Resolved by the Senate, the House of Representatives Concurring:* That our Senators and Representative in Congress be and they are hereby requested to ask Congress at this session, to propose an amendment to the Constitution of the United States, providing for the election of United States Senators by a direct vote of the people, such amendment to be submitted to the Legislatures of the several States for ratification.

*Resolved,* That the Secretary of the Senate be and he is hereby directed to send to our Senators and Representative in Congress certified copies of this resolution when concurred in by the House of Representatives.

Mr. Almen moved

That the resolution be adopted,

Which motion prevailed.

Mr. Almen moved

That Senate Bill No. 25 be referred to the Committee on Judiciary,

Which motion prevailed, and

The bill was so referred.

Mr. Bidlake moved

That the rules be suspended, and that all Senate bills now on the Secretary's desk be read the first and second times and referred to the proper committees,

Which motion prevailed.

Mr. Haggart introduced—

Senate Bill No. 129,

A bill for an act to fix the compensation of the judges of the county courts in all counties having a population of 18,000 inhabitants or more,

Which was read the first and second times, and referred to the Committee on Judiciary.

Mr. Miller introduced—

Senate Bill No. 130,

A bill for an act to require the register of deeds to number all documents filed in his office for record in consecutive numbers,  
Which was read the first and second times, and referred to the Committee on Counties.

The Committee on Appropriations introduced—

Senate Bill No. 131,

A bill for an act to provide for the maintenance of the military department of the State of North Dakota,

Which was read the first and second times, and referred to the Committee on Appropriations.

Mr. Worst introduced—

Senate Bill No. 132,

A bill for an act to repeal all territorial and general laws relating to education that have not been heretofore repealed,

Which was read the first and second times, and referred to the Committee on Education.

Mr. Svensrud introduced—

Senate Bill No. 133,

A bill for an act to amend Section 26, Chapter 119, Laws of 1890, entitled "An act in relation to printing and binding for the State, to create a printing commission, providing for the distribution of public documents, reports and session laws, prescribing the duties of the State officers in relation thereto and making appropriations for document fund,"

Which was read the first and second times, and referred to the Committee on Public Printing.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
February 6, 1891. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 6,

A bill for an act repealing an act entitled "An act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils."

Also,

House Bill No. 45,

A bill for an act to facilitate the shipment of live stock, grain and other commodities.

Also,

Substitute for House Bill No. 58,

All of which have passed the House and your favorable consideration thereof is respectfully requested.

Also to return herewith

Senate Bill No. 39,

A bill for an act requiring county commissioners to give and file a bond,

The further consideration of which the House has indefinitely postponed.

Also,

A Concurrent Resolution providing for the appointment of a Joint Committee to whom shall be referred all bills regulating the duties and fixing the salaries of county officers:

#### CONCURRENT RESOLUTION.

*Be it Resolved by the House of Representatives, the Senate Concurring:* That a joint committee consisting of five, three to be chosen by the Speaker of the House and two by the President of the Senate, be appointed, to whom shall be referred all bills introduced in either House regulating the duties or fixing the salaries of county officials.

Which the House has passed, and your concurrence therein is respectfully requested.

And to inform the Senate that Messrs. Oliver, Richie and Lamb have been designated as members of such committee on the part of the House.

Also,

A Concurrent Resolution providing for a special joint committee of seven to revise the present school laws:

#### CONCURRENT RESOLUTION.

*Be it Resolved by the House of Representatives, the Senate concurring:* That a special joint committee on education consisting of seven members, four from the House and three from the Senate, be appointed for the purpose of revising the present school law, said committee to be made up from the standing committee of each House, and all bills introduced and now pending on that subject be referred to said committee.

Which the House has passed and your concurrence therein is respectfully requested.

Also,

A Concurrent Resolution instructing the Attorney General to collect by suit all taxes due the State of North Dakota from the Northern Pacific Railroad.

#### CONCURRENT RESOLUTION.

*Be it resolved by the House of Representatives, the Senate concurring:* That the Attorney General be and is hereby instructed to proceed at once to collect by suit all taxes due the State of North Dakota by the Northern Pacific Railroad Company.

Which the House has passed and your concurrence therein is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

## SPECIAL ORDERS.

The hour having arrived for the consideration of special orders.

Senate Bill No. 97,

A bill for an act providing clerk hire for the various State officers, and making appropriation therefor, .

Was read the third time.

Mr. Little moved

To amend the bill by allowing \$1,000 as salary for the Secretary of the board of Railroad Commissioners,

Which motion prevailed.

Mr. McCormack of Grand Forks moved

To amend line 7, Section 1, pertaining to the Secretary of State's Office, by striking out the figures "\$2,000" and inserting the figures "\$2,500" in lieu thereof,

Which motion prevailed.

Mr. Worst moved

To amend line 11, Section 1, pertaining to the Superintendent of Public Instruction's Office, by striking out the figures "\$1,800" and inserting the figures "\$2,100" in lieu thereof,

Which motion was lost.

Mr. Little moved

To amend line 9, Section 1, pertaining to the Auditor's Office, by striking out the figures "\$2,100" and inserting the figures "\$3,000" in lieu thereof.

Roll call demanded.

The roll being called there were ayes 12, nays 18.

Those who voted in the affirmative were:

Messrs—

Bidlake,  
Bjorgo,  
Engle,  
Haggart,

Messrs—

Kuhn,  
Little,  
Lowry,  
McCormack of G.Fk's

Messrs—

McGillivray,  
Miller,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—

Almen,  
Arnold,  
Bisbee,  
Brynjolfson,  
Cashel,  
Enger,

Messrs—

Fuller,  
Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
LaMoure,

Messrs—

McCormick, Ramsey,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svensrud.

Mr. Svenningsen being absent and excused.

So the amendment was lost.

Mr. Haggart moved

To amend line 9 of Section 1, by striking out the figures "\$2,100" and inserting the figures "\$2,500" in lieu thereof.

Roll call demanded.



The roll being called there were ayes 16, nays 14.

Those who voted in the affirmative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Arnold,	Haggart,	McGillivray,
Bidlake,	Kuhn,	Miller,
Bjorgo,	Little,	Palmer,
Cashel,	Lowry,	Weiser,
Engle,	McCormack of G Fks,	Worst.
Fuller,		

Those who voted in the negative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Almen,	Johnson of Traill,	Nelson,
Bisbee,	Johnson of Ward,	Patch,
Brynjolfson,	Kinter,	Pinkham,
Enger,	LaMoure,	Svensrud.
Ink,	McCormick, Ramsey,	

Mr. Svennungsen being absent and excused.

So the amendment was adopted.

Mr. Arnold moved

To amend line 12, Section 1, pertaining to the office of the Commissioner of Insurance, by striking out the figures "2100" and inserting the figures "2500" in lieu thereof.

Roll call demanded.

The roll being called there were ayes 14, nays 16.

Those who voted in the affirmative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Arnold,	Little,	Miller,
Bidlake,	Lowry,	Palmer,
Engle,	McCormack, G Forks	Weiser,
Haggart,	McCormick, Ramsey,	Worst.
Kuhn,	McGillivray,	

Those who voted in the negative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Almen,	Fuller,	LaMoure,
Bisbee,	Ink,	Nelson,
Bjorgo,	Johnson of Traill,	Patch,
Brynjolfson,	Johnson of Ward,	Pinkham,
Cashel,	Kinter,	Svensrud.
Enger,		

Mr. Svennungsen being absent and excused.

So the amendment was lost.

Mr. Little moved

To amend line 11, Section 1, by striking out the figures "1800" and inserting the figures "2000" in lieu thereof,

Which motion was lost.

Mr. Arnold moved

To amend line 12, Section 1, by striking out the figures "2100" and inserting the figures "2300" in lieu thereof,

Which motion was lost.

Mr. Cashel moved

That Senate Bill No. 97 as amended be placed upon its final passage,

Which motion prevailed.

The roll being called upon the final passage of the bill as amended there were ayes 27, nays 3.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,

Messrs—

Fuller,  
Haggart,  
Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,

Messrs—

Lowry,  
McCormack, G. F'ks,  
McCormick, Ramsey  
McGillivray,  
Miller,  
Palmer,  
Patch,  
Svensrud,  
Weiser.

Those who voted in the negative were:

Messrs—

Nelson,

Messrs—

Pinkham,

Messrs—

Worst.

Mr. Svenningsen being absent and excused.

So the bill passed and the title was agreed to.

### THIRD READING OF SENATE BILLS.

Senate Bill No. 71,

A bill for an act to amend subdivisions *e*, *f* and *g*, of Section 8 of Chapter 122 of the Laws of 1890, pertaining to the regulation of common carriers,

Was read the third time.

Mr. Worst moved to amend Section 1, subsection *e*, lines 11 and 12 by striking out the words "publish ten days notice in one daily paper published in Bismarck, North Dakota," in printed bill, and insert in lieu thereof the words "serve a written notice by delivering a true copy thereof upon any agent of the railroad company within the State."

Mr. Worst moved

That the amendment be adopted.

Which motion prevailed.

Mr. Worst moved to amend Section 1, subsection *f*, line 35, of printed bill by inserting after the word "effect" the words "and to post a copy thereof in every railroad depot in the State,"

Which amendment was adopted.

The roll being called on the final passage of the bill as amended there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,

Messrs—

Fuller,  
Ink,

Messrs—

McCormack, G. F'ks,  
McCormick, Ramsey,

Messrs—

Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,

Messrs—

Johnson, of Traill,  
Johnson, of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,

Messrs—

Miller,  
Palmer,  
Pinkham,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Haggart,  
McGillivray

Messrs—

Nelson,  
Patch,

Messrs—

Svennungsen.

Mr. Svennungsen being excused.

So the bill passed, and the title was agreed to.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
February 6, 1891. }

MR. PRESIDENT:

I have the honor to inform the Senate that Messrs. White, Farrah and Erickson have been appointed as members of the Joint Committee to revise and report upon all amendments and bills relating to revenue.

J. G. HAMILTON,  
Chief Clerk.

Senate Bill No. 83,

A bill for an act to regulate the practice of veterinary medicine and surgery,

Was read the third time.

Mr. Cashel moved

That further consideration of Senate Bill No. 83 be postponed until next Monday,

Which motion prevailed.

Senate Bill No. 40,

A bill for an act to amend Section 1 of an act, entitled "An Act extending the time of payment of taxes for the year 1890,"

Was read the third time.

Mr. Svensrud moved

That the report of the committee be adopted,

Which motion prevailed.

Mr. Haggart moved

That Senate Bill No. 40 be indefinitely postponed,

Which motion prevailed.

Senate Bill No. 13,

A bill for an act to amend Sections 7, 29, 55, 56, 57, 62, and repealing Section 58, of an act prescribing the mode of making as-

assessments and the levy and collection of taxes, and for other purposes relative thereto, approved March 11, 1890,

Was read the third time.

Mr. Little moved

That the report of the committee be adopted,

Which motion prevailed, and

The bill was referred to the Joint Committee on Revenue and Taxation.

Senate Bill No. 49,

A bill for an act relating to the sale of property under an execution, decree, mortgage or lien,

Was read the third time.

Mr. Little moved as an amendment to the report of the Committee, that the bill be referred to Committee of the Whole,

Which motion prevailed.

Senate Bill No. 18,

A bill for an act to amend Section 33 of Chapter 2 of an act passed at the First Legislative Assembly of the State of North Dakota, known as the School Law,

Was read the third time.

Mr. Cashel moved

To amend line 10, Section 33 by striking out the figures "1,200" and inserting the figures "1,400" in lieu thereof,

Mr Cashel moved

To recommit Senate Bill No. 18 to the Committee on Engrossed and Enrolled Bills.

Which motion prevailed.

The rules were suspended, and

Senate Bill No. 27,

A bill for an act to amend Section 18 of Chapter 152, entitled "An act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein," approved February 14, 1890,

Was read the third time.

Mr. Kinter moved

To amend Section 2, line 3, after the word "bonds," by adding the following: "Therefore, this act shall take effect immediately after its passage and approval."

Which amendment was adopted.

The roll being called upon the final passage of the bill as amended there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,

Messrs—

Haggart,  
Ink,  
Johnson of Traill,  
Johnson of Ward,

Messrs—

McCormick, Ramsey,  
McGillivray,  
Miller,  
Nelson,

Messrs—

Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,

Messrs—

Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormack, G. Frks,

Messrs—

Palmer,  
Pinkham,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

LaMoure,

Messrs—

Patch,

Messrs—

Svennungsen.

Mr. Svennungsen being excused.

So the bill passed, and the title was agreed to.

Mr. McGillivray moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

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### THIRTY-THIRD DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 7, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Miller who was excused.

The Journal of the preceding day was read and approved.

Mr. LaMoure moved

That the rules be suspended and that the committee appointed  
to correct the Journal of the thirty-second day be allowed to make  
their report,

Which motion prevailed.

Mr. LaMoure reported as follows:

The last word in the fourth line from the bottom on page 5 is printed  
"since" instead of "same," and in the next line "17" is printed instead of "7."

Mr. Cashel moved

That the report of the committee be adopted and the Journal  
of the thirty-second day as corrected be approved,

Which motion prevailed.

#### REPORTS OF STANDING COMMITTEES.

The Committee on Stock made the following report:

MR. PRESIDENT:

Your Committee on Stock to whom was referred

Senate Bill No. 81,

A bill for an act giving a lien on mares, cows and the offspring thereof for the service of stallion or bull,

Have had the same under consideration and recommend that the same be amended as follows:

Strike out all after the word "Acts" in line 5, Sec. 2

In line 2 Sec. 3, strike out the word "shall" and insert the following: "And desires to retain such lien shall on or before the expiration of six months after such service." Strike out all of line 1 in Sec. 7, and add

"Sec. 8. An emergency exists in that there is no law in force covering the requirements of this act, therefore, this act shall be in force on and after its passage and approval."

And when so amended recommend that the same do pass,

JAMES JOHNSON,  
Chairman.

Mr. Svensrud moved

That the report of the committee be adopted,

Which motion prevailed, and

Senate Bill No. 81 was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 9,

A Joint Resolution and Memorial to the President of the United States, the Secretary of War and both branches of the National Congress, asking for enlargement of Fort Abraham Lincoln and increase of number of troops at such post,

And find the same correctly engrossed and enrolled.

R. N. INK,  
Chairman.

The President announced his signature to

Senate Bill No. 9,

A Joint Resolution and Memorial to the President of the United States, the Secretary of War and both branches of the National Congress, asking for enlargement of Fort Abraham Lincoln and increase of Number of troops at such post.

The Committee on Stock made the following report:

MR. PRESIDENT:

Your Committee on Stock to whom was referred

Senate Bill No. 64,

□A bill for an act to amend Section 1, of Chapter 85 of the Session Laws of 1883, entitled "Live Stock,"

Have had the same under consideration and recommend that the same do not pass as the same is covered by Senate Bill No. 81 now pending before this body.

Also,

Senate Bill No. 51,

A bill for an act providing for a lien for the service of stallion or bull,

And recommend that the same do not pass as the same is covered by Senate Bill No. 81 which is now pending before this body.

JAMES JOHNSON,  
Chairman.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred

Senate Bill No. 82,

A bill for an act giving county commissioners authority to purchase one or more prairie burners and providing against prairie fires, and defining a legal fire guard,

Have had the same under consideration and recommend that the same be referred to the Special Joint Committee appointed to take all bills relating to the subject under consideration.

Also,

Senate Bill No. 69,

A bill for an act to prevent prairie fires and compelling railroads to make firebreaks and prescribing penalties for setting the prairie on fire,

And recommend that the same be referred to the same committee.

JAMES McCORMICK,  
Chairman.

Senate bills No. 51, 82 and 69 were referred to the Special Joint Committee on fire breaks.

The Committee on Military Affairs made the following report:

MR. PRESIDENT:

Your Committee on Military Affairs to whom was referred

House Bill No. 97,

A bill for an act empowering and authorizing the Governor of the State of North Dakota to furnish arms and equipments to all Grand Army posts in good standing in the State of North Dakota,

Have had the same under consideration and recommend that the same be amended as follows:

*Provided*, That it shall be the duty of the Inspector General of the State Militia to visit annually the Grand Army Posts having such guns and inspect their condition, said officer to make a report to the Governor of such inspection. If the report of the said Inspector General is to the effect that the said

guns are not properly stored and cared for, then it shall be the duty of the Governor to recall the loan of such guns.

J. BIDLAKE,  
Chairman.

Mr. Johnson of Ward moved

That the report of the Committee on House Bill No. 97 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred  
House Bill No. 15,

A bill for an act to provide for transferring the tax sales records from the county treasurer's office to the county auditor's office.

Have had the same under consideration and recommend that the same be referred to the Joint Committee on Revenue and Taxation.

Also,  
Senate Bill No. 80,

A bill for an act providing for garnishment and regulating the proceedings in connection therewith,

And recommend that the same do pass.

C. B. LITTLE,  
Chairman.

House Bill No. 15 was referred to the Special Joint Committee on Revenue and Taxation.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred  
Senate Bill No. 105,

A bill for an act to amend Section 1, Chapter 50, Laws of 1890, entitled "County Courts,"

Have had the same under consideration and recommend that the same be amended as follows:

Amend the title of said bill by striking out the words "county courts" where they appear in said title, and inserting in lieu thereof the words "an act to fix the compensation of the judges of the county courts, and provide a fund to reimburse the county for the same."

Amend line 8, Section 1, original bill, by inserting after the word "inhabitants" the words "or fraction thereof."

Also, in line 9 of Section 1 strike out the words "one hundred and fifty," and insert in lieu thereof the words "two hundred."

Also, in line 10 insert the word "major" before the word "fraction."

Also, in line 11 strike out the word "fifty," and insert the words "one hundred" in lieu thereof.



Also, in line 12 strike out the figures "2,000," and insert in lieu thereof the figures "1,000."

Also, strike out in said line 12 the word "one," and insert in lieu thereof the word "two."

Also, in said line 12, insert after the word "inhabitants" the words "or major fraction thereof."

Also, in line 13, Section 1 strike out all after the word "dollars."

Also, in line 14, strike out the word "thereof," where it appears in said line.

Also, in line 15, strike out the word "fifty," and insert in lieu thereof the words "one hundred."

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Kinter moved

That the report of the committee on Senate Bill No. 105 be adopted.

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

Mr. Little moved

That the report of the Special Committee appointed to ascertain the number of the employes of the Senate be adopted,

Which motion prevailed.

Mr. LaMoure moved

That the substitute offered by Mr. Ink for the report of the Special Committee appointed on the drawing of the long and short terms be laid upon the table,

Which motion prevailed, and

The whole subject matter was laid upon the table.

Mr. Cashel moved

That the Special Committee to arrange for drawing lots for the long and short terms be discharged.

Roll call demanded.

The roll being called there were ayes 17, nays 13.

Those who voted in the affirmative were:

Messrs—

Bidlake,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Ink,

Messrs—

Johnson of Traill,  
Kinter,  
LaMoure,  
McCormack, G. F's,  
McCormick, Ramsey,  
Palmer,

Messrs—

Patch,  
Pinkham,  
Svensrud,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—

Almen,  
Arnold,  
Bisbee,  
Bjorgo,  
Fuller,

Messrs—

Haggart,  
Johnson of Ward,  
Kuhn,  
Little,

Messrs—

Lowry,  
McGillivray,  
Nelson,  
Svennungsen.

Mr. Miller absent and excused.

So the motion prevailed.

Mr. LaMoure moved

That the matter of drawing for long and short terms be made a special order for next Thursday at 3 o'clock, p. m.,

Which motion prevailed.

Mr. Ink moved

That the Senators from the odd numbered Senatorial districts be empowered to appoint two republicans and one democrat, and the Senators from the even numbered Senatorial districts be empowered to appoint from their number two republicans and one democrat, to formulate a plan for drawing.

Mr. Little moved

To lay the motion on the table.

Roll call demanded.

The roll being called there were ayes 9, nays 19.

Those who voted in the affirmative were:

Messrs—

Bisbee,  
Bjorgo,  
Fuller,

Messrs—

Kuhn,  
Little,  
Lowry,

Messrs—

McGillivray,  
Nelson,  
Weiser.

Those who voted in the negative were.

Messrs—

Almen,  
Arnold,  
Bidlake,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
LaMoure,  
McCormack, G. F'ks,

Messrs—

McCormick, Ramsey,  
Palmer,  
Patch,  
Pinkham,  
Svenningsen,  
Svensrud.

Absent and not voting:

Messrs—

Haggart,

Messrs—

Miller,

Messrs—

Worst.

Mr. Miller being excused.

So the motion to lay upon the table was lost.

The question recurring on the motion of Mr. Ink,

The motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
February 7, 1891.

MR. PRESIDENT: .

I have the honor to transmit herewith

House Bill No. 64,

A bill for an act to provide for the incorporation and regulation of life endowment and casualty insurance companies, corporations

or societies, other than co-operative or assessment life endowment or casualty associations or societies,

Which the House has passed and your favorable consideration thereof is respectfully requested.

Also, I have the honor to transmit herewith a Concurrent Resolution providing that a sub-committee of not more than three members of the Joint Committee to investigate the cost and value of railroads be instructed to visit such points in Minnesota and Dakota as they may deem necessary in order to obtain information in regard thereto.

#### CONCURRENT RESOLUTION.

*Be it Resolved by the House of Representatives, the Senate Concurring:* That the Joint Committee appointed to ascertain the cost, value and other facts relative to railroads, with a view to fixing a basis for the equitable taxation thereof be and are hereby authorized and instructed, if in their judgment it is deemed necessary, to appoint a sub-committee consisting of not more than three of their number whose duty it shall be to visit as soon as possible, such points or places in Dakota and Minnesota as shall to them seem advisable for the purpose of acquiring such information as will enable them to make as full and complete report upon the matter referred to said Joint Committee and at as early a date as practicable.

Which the House has passed, and your concurrence therein is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

Mr. Kinter was called to the chair.

Mr. Cashel moved

That the Senate concur in the House Concurrent Resolution providing for the appointment of a Joint Committee, to which all bills regulating the duties and fixing the salaries of county officials shall be referred,

Which motion prevailed.

Mr. Kinter moved

That the Senate concur in the House Concurrent Resolution providing for the appointment of a Special Joint Committee on Education, to which all bills introduced on that subject shall be referred,

Which motion prevailed.

The President appointed Messrs. Worst Kiuter and McCormack of Grand Forks.

Mr. Cashel moved

That the Senate concur in the House Concurrent Resolution instructing the Attorney General to commence suit against the N. P. R. R. Co. for all taxes due the State of North Dakota,

Which motion prevailed.

The President appointed Messrs. Pinkham and McCormick of Ramsey, as the Senate members of the Special Joint Committee on codifying the school laws.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Little moved

That the rules be suspended and that all Senate bills now on the secretary's desk be read the first and second times, and referred to their proper committees,

Which motion prevailed.

Mr. Haggart introduced—

Senate Bill No. 134,

A bill for an act to amend Section 579, Penal Code of North Dakota, being Section 6933, Compiled Code of 1887, relating to removing or destroying mortgaged property,

Which was read the first and second times, and referred to the Committee on Judiciary.

Mr. Svensrud introduced—

Senate Bill No. 135,

A bill for an act to appropriate money for the relief of the destitute persons in North Dakota,

Which was read the first and second times, and referred to the Committee on Appropriations.

Mr. Patch introduced—

Senate Bill No. 136,

A bill for an act to indemnify certain persons whose stock was killed by the State Veterinary Surgeon to prevent and suppress the spread of contagious and infectious diseases of domestic animals,

Which was read the first and second times, and referred to the Committee on Appropriations.

Senate Bill No. 125,

A bill for an act to amend Sections 3, 4, 7, 8, 22, 24, 32, 37, 40, 55, 66, 67, 68, 74, 75, 79, 81, 83, 87, 101, 110, 121, 122, 135, 136, 137, 140, 143, 144, 148, 167, 169 and 192 of Chapter 62, Laws of 1890, entitled "An act to provide for a uniform system of free public schools throughout the State and to prescribe penalties for violation of the provisions thereof,"

Was read the second time, and referred to the Special Joint Committee on Education.

THIRD READING OF SENATE BILLS.

Senate Bill No. 135,

A bill for an act providing for the cancellation of certain illegal taxes on railroad grant lands upon which the United States survey fees had not been paid and describing the manner in which it shall be done,

Was read the third time.

Mr. Little moved

That the report of the committee be adopted,

Which motion prevailed, and

The bill was placed upon its final passage.

The roll being called there were ayes 23, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Haggart,	Palmer,
Arnold,	Johnson of Traill,	Patch,
Bidlake,	Johnson of Ward,	Pinkham,
Bisbee,	Kinter,	Svennungesen,
Bjorgo,	Kuhn,	Svensrud,
Brynjolfson,	Little,	Weiser,
Cashel,	Lowry,	Worst.
Engle,	McGillivray,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Enger,	LaMoure,	Miller,
Fuller,	McCormack, G. F'ks,	Nelson.
Ink,	McCormick, Ramsey,	

Mr. Miller being excused.

So the bill passed, and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bill No. 35 was passed be reconsidered and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate Bill No. 88,

A bill for an act relating to registering county warrants and duty of the county treasurer relating thereto,

Was read the third time.

Mr. Johnson of Ward moved

That the report of the committee be adopted,

Which motion prevailed, and

The bill was placed upon its final passage,

The roll being called there were ayes 25; nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Johnson of Ward,	Nelson,
Arnold,	Kinter,	Palmer,
Bidlake,	Kuhn,	Patch,
Bisbee,	Little,	Pinkham,
Bjorgo,	Lowry,	Svennungesen,
Brynjolfson,	McCormack, G F'ks,	Svensrud,
Cashel,	McCormick, Ramsey,	Weiser,
Engle,	McGillivray,	Worst.
Johnson of Traill,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Enger,	Haggart,	LaMoure,
Fuller,	Ink,	Miller.

Mr. Miller being excused.

So the bill passed, and the title was agreed to.

The Senate returned to the ninth order of business.

Mr. McCormack of Grand Forks introduced—

Senate Bill No. 137,

A bill for an act making an appropriation for the maintenance of the University of North Dakota,

Which was read the first and second times, and referred to the Committee on Appropriations.

Also,

Senate Bill No. 138,

A bill for an act making an appropriation for the erection of a dormitory and boiler house for the University of North Dakota,

Which was read the first and second times, and referred to the Committee on Appropriations.

Mr. Svensrud introduced—

Senate Bill No. 139,

A bill for an act to provide for the collection and compilation of the statistics of North Dakota,

Which was read the first and second times, and referred to the Committee on Statistics.

The Senate returned to the eighth order of business.

Mr. Nelson offered the following resolution:

*Resolved, That the Chair appoint a committee of three to inquire into the actual wants of the University and report to the Senate.*

Mr. Nelson moved the adoption of the resolution.

Mr. McCormick of Ramsey moved in amendment

That said committee shall also visit the Deaf and Dumb Institution at Devils Lake,

Which amendment prevailed.

The question recurring on the adoption of the resolution as amended,

Roll call was demanded.

The roll being called there were ayes 7, nays 17.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Kinter,	Nelson,
Brynjolfson,	McCormick, Ramsey,	Patch.
Johnson of Ward,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson of Traill,	Pinkham,
Bidlake,	Kuhn,	Svenningsen,
Bisbee,	Little,	Svensrud,
Bjorgo,	Lowry,	Weiser,
Cashel,	McCormack, G. F'ks,	Worst.
Enger,	Palmer,	

Absent and not voting:

Messrs—

Engle,  
Fuller,  
Haggart,

Mr. Miller being excused.

So the resolution was lost.

Messrs—

Ink,  
LaMoure,

Messrs—

McGillivray,  
Miller.

### THIRD READING OF SENATE BILLS.

Senate Bill No. 121,

A bill for an act to amend Section 2, Chapter 52, Session Laws of 1889, and Section 15, Chapter 10, Session Laws of 1887,  
Was read the third time.

Mr. Little moved

That the report of the committee be adopted,

Which motion prevailed.

Mr Little moved

To amend the bill by striking out Section 6,

Which motion prevailed, and

The amendment was adopted.

Mr. Svensrud moved

That in line 5, Section 2, the figures \$100,000 be stricken out and the figures \$400,000 inserted in lieu thereof,

Which motion was lost.

Mr. Arnold moved

That Senate Bill No. 121 be made a special order for next Monday at 3 o'clock, p. m.,

Which motion prevailed.

Senate Bill No. 100,

A bill for an act to appropriate money to pay the expenses of selecting and acquiring title to lands donated by Congress to the State of North Dakota for its public institutions, and to carry out the provisions of an act providing for the organization of the Board of University and School Lands, approved March 20, 1890,  
Was read the third time and placed upon its final passage.

The roll being called there were ayes 22, nays 2.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Johnson of Traill,  
Johnson of Ward,

Messrs—

Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormack, G. F'ss,  
McCormick, Ramsey,  
McGillivray,

Messrs—

Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Almen,  
Bisbee,  
Fuller,

Messrs—

Haggart,  
Ink,

Messrs—

LaMoure,  
Miller.

Messrs. Bjorgo and Svensrud voting in the negative.

Messrs. Almen, Bisbee and Miller being excused.

So the bill passed; and the title was agreed to.

Mr. Little moved

That the Senate do now adjourn.

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

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### THIRTY-FIFTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 9, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Bjorgo, LaMoure, McCormack of Grand Forks, McGillivray and Pinkham.

Mr. Patch moved

That all absent members be excused,

Which motion prevailed.

The Journal of the preceding day was read and approved.

The President announced the appointment of Messrs. Haggart and Worst as members of the Joint Committee to which all bills relating to the duties and salaries of county officials are to be referred.

#### REPORTS OF STANDING COMMITTEES.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

Senate Bill No. 58,

A bill for an act providing for an appropriation for the erection of buildings for the State Agricultural College and Experimental Station at Fargo, and for current and contingent expenses of the same,



Have had the same under consideration and recommend that the same be amended as follows:

In second line of Section 1 of printed bill, strike out the word "sums" and insert "sum" in lieu thereof.

In third line of same section of printed bill strike out the word "erecting" and insert the words "the erection of" in lieu thereof.

In fourth line of same section of printed bill strike out the words "and experimental station;" also the words "current and." Add after the word "expenses" in same line the following: "Incident to the construction thereof, viz: twenty-five thousand (\$25,000) dollars."

Strike out lines 5, 6, 7, 8 and 9 of said section.

Strike out all of Section 2 of said bill.

Also, amend the title to said bill so that it will read as follows:

"For an act providing for an appropriation for the erection of buildings for the State Agricultural College at Fargo, and for the contingent expenses incident to the construction thereof."

And when so amended recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Little moved

That the report of the Committee on Senate Bill No. 58 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred Senate Bill No. 59,

A bill for an act providing for an appropriation for the erection of buildings for the State Normal School at Mayville, North Dakota, and for current and contingent expenses of the same,

Have had the same under consideration and recommend that the same be amended as follows:

Amend the title of the bill to read as follows:

"A bill for an act providing for an appropriation for the erection of buildings for the State Normal School at Mayville, N. D., and the contingent expenses incident to the construction thereof."

Strike out the word "sums" in Section 1, line 2, of printed bill and insert the word "sum" in lieu thereof.

In line 3, same section, strike out the word "erecting" and insert the words "the erection of" in lieu thereof.

Strike out all of Section 1 after the word "and" in line 4 of the printed bill and insert the following in lieu thereof: "The contingent expenses incident to the construction thereof, to-wit."

Change lines 6 and 7 of Section 1, printed bill, to read as follows:

"For buildings for State Normal School at Mayville, N. D., and expenses contingent to the construction thereof, \$10,000."

Strike out line 8 of Section 1, printed bill.

Also, strike out all of Section 2 of said bill.

And when so amended recommend that the same do pass,

JOHN E. HAGGART,  
Chairman.

Mr. Kinter moved

That the report of the committee on Senate Bill No. 59 be adopted.

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred Senate Bill No. 60,

A bill for an act for an appropriation for the erection of a Soldiers' home at Lisbon, Ransom county, N. D., and for current and contingent expenses for the same,

Have had the same under consideration and recommend that the same be amended as follows:

#### A BILL

For an Act Appropriating Money for the Erection of a Soldiers' Home at Lisbon, North Dakota, and for the Contingent Expenses Incident Thereto.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

SECTION 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of ten thousand dollars (\$10,000) for the erection of a suitable Soldiers' home at Lisbon, Ransom county North Dakota, and for the contingent expenses incident thereto.

And when so amended recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Weiser moved

That the report of the Committee on Senate Bill No. 60 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred Senate Bill No. 65,

A bill for an act providing for an appropriation for the current and contingent expenses of the penitentiary at Bismarck, and for making needed permanent improvements,

Have had the same under consideration and recommend that the same be amended as follows:

Strike out all of Section 1, printed bill.

In line 5, Section 2, strike out the word "November," and insert the word "March." Strike out all after the figures "1891."

Strike out all of line 6.

In line 7, strike out the figures "\$3,600," and insert in lieu thereof the figures "\$3,000."

In line 8, strike out the figures "\$2,400," and insert the figures "\$2,000."  
 In line 13, strike out the figures "\$6,000," and insert the figures "\$5,000."  
 In line 16, strike out the figures "\$2,400," and insert the figures "\$1,200."  
 In line 17, strike out the figures "\$2,400," and insert the figures "\$1,200."  
 In line 19, strike out the figures "\$2,500," and insert the figures "\$1,500."  
 In line 20, strike out the figures "\$2,200," and insert the figures "\$1,800."  
 In line 22, strike out the figures "\$49,500," and insert the figures "\$43,700."  
 In line 7, Section 3, page 3, strike out the figures "\$10,000," and insert the figures "\$8,000."  
 In line 8, Section 3, page 3, strike out all after the first three words, and insert in lieu thereof the figures "\$2,000."  
 Strike out all of line 9, page 4.  
 Strike out all of lines 10, 11 and 15.  
 In line 13, page 4, strike out the figures "\$1,800," and insert in lieu thereof the figures "\$1,000."  
 In line 14, strike out the figures "\$300," and insert in lieu thereof the figures "\$100."  
 In line 24, insert the word "forty," before the word "cents" in lieu of the word "dollars."

And when so amended recommend that the same do pass.

JOHN E. HAGGART,  
 Chairman.

Mr. Little moved

That the report of the Committee on Senate Bill No. 65 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred  
 Senate Bill No. 131,

A bill for an act to provide for the maintenance of the military department of the State of North Dakota,

Have had the same under consideration and recommend that the same do pass.

Also,

Senate Bill No. 99,

A bill for an act providing for an appropriation for the erection of buildings for the Deaf and Dumb Asylum at the city of Devils Lake, and the purchase of a site therefor,

And recommend that the same be amended as follows:

#### A BILL

For An Act Providing for the Appropriation of Money for the Erection of a Suitable Building for the Deaf and Dumb Asylum at the City of Devils Lake, Ramsey County, North Dakota, and for the Contingent Expenses Incident Thereto.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

SECTION 1. That there is hereby appropriated out of any moneys not otherwise appropriated in the hands of the State Treasurer the sum of ten thousand (10,000) dollars for the erection of suitable buildings at the city of

Devils Lake, Ramsey county, North Dakota, for the Deaf and Dumb Asylum, and for the contingent expenses incident thereto.

And when so amended recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. McCormick of Ramsey moved

That the report of the committee on Senate bill No. 99 be adopted.

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred Senate Bill No. 72,

A bill for an act for an appropriation for the erection of the North Dakota State Reform School at Mandan, and for incidental and contingent expenses for the same,

Have had the same under consideration and recommend that the same be amended as follows:

#### A BILL

For an Act Appropriating Money for the Erection of Buildings for the State Reform School at Mandan, Morton County, North Dakota, and for the Contingent Expenses Incident Thereto.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

SECTION 1. That there is appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of eight thousand (8,000) dollars for the erection of a suitable building for the North Dakota State Reform School located at Mandan, Morton county, North Dakota, and for the contingent expenses incident thereto.

SEC. 2. *Provided*, That the citizens of said Morton county donate a suitable tract of land for said Reform School to contain not less than forty acres of land near the city of Mandan in said county and State, the title to said land to be approved by the Attorney General.

SEC. 3. Whereas, an emergency exists in this that there has been no provision made for the erection of buildings for said institution, and that at present this State has ten boys at the school at Plankinton, South Dakota, for whom no provision has been made; therefore this act shall take effect from and after its passage and approval.

And when so amended recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Miller moved

That the report of the committee on Senate Bill No. 72 be adopted:

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred  
Senate Bill No. 61,

A bill for an act to provide funds for the construction and furnishing necessary buildings for the North Dakota Normal School located at Valley City, North Dakota,

Have had the same under consideration and recommend that the same be amended as follows:

#### A BILL

For an Act to Provide Funds for the Construction and Maintenance of the the State Normal School at Valley City.

SECTION 1. There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, the sum of five thousand (5,000) dollars for the construction of the State Normal School at Valley City, and for the furnishing the same. For the purpose of maintaining the said State Normal School for the two years ending March 1, 1893, the following appropriations are made, viz:

For salary of teachers, the sum of.....	\$4,000
For fuel, the sum of.....	300
For incidental expenses .....	700

That Sections 2 and 3 of said bill be stricken out.

And when so amended recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Little moved

That the report of the committee on Senate Bill No. 61 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred  
Senate Bill No. 66,

A bill for an act appropriating funds for the support and maintenance of the Hospital for the Insane at Jamestown,

Have had the same under consideration and recommend that the same be amended as follows:

In line 7, printed bill, strike out the figures "58,000" and insert the figures "50,000."

In line 8, printed bill, strike out the figures "36,816" and insert the figures "32,000."

In line 9, printed bill, strike out the figures "25,000" and insert the figures "16,000."

In line 10, printed bill, strike out the figures "3,000" and insert the figures "1,000."

In line 11, printed bill, strike out the figures "3,000" and insert the figures "1,500."

In line 12, printed bill, strike out the figures "3,000" and insert the figures "1,500."

In line 13, printed bill, strike out the figures "3,000" and insert the figures "1,500."

In line 14, printed bill, strike out the figures "500" and insert the figures "250."

In line 15, printed bill, strike out the figures "3,829" and insert the figures "1,000."

In line 16, printed bill, strike out the figures "2,500" and insert the figures "1,200."

In line 17, printed bill, strike out the figures "2,500" and insert the figures "1,000."

Strike out all of line 18, printed bill.

In line 19, printed bill, strike out the figures "800" and insert the figures "500."

In line 20, printed bill, strike out the figures "500" and insert the figures "300."

Strike out all of line 21, printed bill.

In line 22, printed bill, strike out the figures "1,000" and insert the figures "600."

Strike out all of line 23, printed bill.

In line 24, printed bill, strike out the figures "1,250" and insert the figures "600."

In line 25, printed bill, strike out the figures "3,000" and insert the figures "1,000."

In line 26, printed bill, strike out the figures "5,000" and insert the figures "400."

Strike out all of line 27, printed bill.

In line 28, printed bill, strike out the figures "2,000" and insert the figures "500."

Strike out all of line 29, printed bill.

In line 30, printed bill, strike out the figures "4,500" and insert the figures "500."

In line 31, printed bill, strike out the figures "2,500" and insert the figures "300."

In line 32, printed bill, strike out the figures "800" and insert the figures "500."

Strike out all of line 33, printed bill.

Strike out all of line 34, printed bill.

And that the title read as follows:

A bill for an act for an appropriation for the current and contingent expenses of the Asylum at Jamestown for the Insane and for making needed permanent improvements.

In line 1, printed bill, strike out the figures "\$166,425" and insert the figures "\$110,150."

And when so amended recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Kinter moved

That the report of the committee on Senate Bill No. 66 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on Ways and Means to whom was referred

Senate Bill No. 50,

A bill for an act proposing an amendment to Section 182 of Article 12 of the Constitution of the State of North Dakota,

Have had the same under consideration and recommend that the same do pass.

JUDSON LAMOURE,  
Chairman.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred

Senate Bill No. 125,

A bill for an act to amend Sections 8, 4, 7, 8, 22, 24, 32, 37, 40, 55, 66, 67, 68, 74, 75, 79, 81, 83, 87, 101, 110, 121, 122, 135, 136, 137, 140, 143, 144, 148, 167, 169 and 192 of Chapter 62, Laws of 1890, entitled "An act to provide for a uniform system of free public schools throughout the State and to prescribe penalties for violation of the provisions thereof,"

Have had the same under consideration and recommend that the same be amended as follows:

That Section 1, line 1, written bill, be amended by inserting after the figure "3" the following words: "Of Chapter 62, Laws of 1890, entitled 'An Act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violation of the provisions thereof.'"

And when so amended recommend that the same do pass.

J. H. WORST,  
Chairman.

Mr. Little moved

That the report of the Committee on Senate Bill No. 125 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred

Senate Bill No. 132,

A bill for an act to repeal all territorial and general laws relating to education that have not been heretofore repealed,

Have had the same under consideration and recommend that the same do pass.

Also,

Senate Bill No. 123,

A bill for an act to amend Sections 2, 5, 6 and 11 of Chapter 146 of the General Laws of the year 1890, entitled "An act to provide for the leasing and sale of the common school lands of North Dakota,"

And recommend that the same be amended as follows:

In Section 1, line 21, after the word "appraisal," insert the words "but the lists of lands herein contemplated shall be prepared and equalized by the Board of University and School Lands."

Also, in Section 2, line 4, strike out the words "the door of."

Also, in Section 2, line 10, strike out the word "and," and insert in lieu thereof the word "but."

Also, in Section 2, line 11, after the word "holiday," insert the following: "Or to such day or days as may be determined upon by the Board of University and School Lands."

Section 2, line 20, after the word "the," insert the word "annual."

Also, in Section 2, line 21, after the word "payable," strike out the word "annually."

Also, in Section 4, line 7, after the word "and," insert a comma (,) and also the following "upon the approval of the Board of University and School Lands."

And when so amended recommend that the same do pass.

J. H. WORST,  
Chairman.

Mr. McCormick of Ramsey moved

That the report of the Committee on Senate Bill No. 123 be adopted.

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

A recess of twenty-five minutes was taken, after which the Senate reassembled.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred  
Senate Bill No. 127,

A bill for an act authorizing special school districts to refund bonded indebtedness, and to transfer certain funds,

Have had the same under consideration and recommend that the same do pass.

J. H. WORST,  
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your committee on Judiciary to whom was referred  
Senate Bill No. 129,

A bill for an act to fix the compensation of the judges of the county courts in all counties having a population of 18,000 inhabitants or more,

Have had the same under consideration and recommend that the same do pass.

Also,

Senate Bill No. 75,

A bill for an act, entitled "An Act relating to encumbrances on growing crop,"



And recommend that said bill be reported without recommendation.

C. B. LITTLE,  
Chairman.

Mr. Haggart moved  
That Governor Burke and Rev. F. B. Nash be invited within the bar of the Senate,  
Which motion prevailed.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred  
Senate Bill No. 41,

A bill for an act to amend Sections 7, 10 and 15 of Chapter 91, General Laws of 1890, relating to marriage license,

Have had the same under consideration and recommend that the same be amended as follows:

Amend said bill by inserting after the enacting clause the following:  
SECTION 1. That Sections 7, 10 and 15 of Chapter 91 of the General Laws of 1890 be amended so as to read as follows:

Also, amend line 3 of Section 7 by adding to the word "judge" the letter "s."

Also, add to the word "court," in said line 3, the letter "s."

Also, strike out the letter "s" from the word "records" in said line 3.

Also, in line 9 of said Section 7, strike out the words "in the" in said line 9, and insert in lieu thereof the words "by any."

Also, in line 23 of said Section 7, strike out the word "given," and insert the word "giving."

Also, in line 4 of Section 10, add the letter "s" to the word "license."

Also add emergency clause as follows:

This act being necessary to perfect said marriage license law, and prevent conflict therein, therefore this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Johnson of Ward moved  
That the report of the Committee on Senate Bill No. 41 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 2,

A bill for an act regulating appeals from the district courts to the Supreme Court, and to repeal Chapters 2 and 16 of the Code

of Civil Procedure, Dakota Territory, as published in Levissee's Code; and Chapters 20 and 26 of the Session Laws of Dakota Territory of the year 1887; also Sections 5213 to 5239, both inclusive, of the Compiled Laws of Dakota Territory of the year 1887,

And find the same correctly engrossed and enrolled.

R. N. INK,  
Chairman.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred

Senate Bill No. 21,

A bill for an act to require county treasurers to deposit county funds in designated depositories and providing for interest thereon,

Have had the same under consideration and recommend that the same be amended as follows:

In line 4, Section 1, strike out the words and figures "five hundred (500)" and insert in lieu thereof the words and figures "two thousand (2,000)."

Amend line 9 of Section 2 by inserting after the word "interest" the words "not exceeding 6 per cent. per annum."

Also amend line 1 of Section 3 by striking out the word "banker" and inserting in lieu thereof the word "banks."

And when so amended recommend that the same do pass.

JAMES JOHNSON,  
Chairman.

Mr. McCormick of Ramsey moved

That the report of the Committee on Senate Bill No. 21 be adopted.

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
February 9, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith

Substitute for House Bill No. 21,

A bill for an act to amend Section 5 of an act entitled "An act requiring railroad companies to build and keep in repair, highway crossings, Chapter 127, Session Laws of 1890."

Also,

House Bill No. 29,

A bill for an act providing for extension of the time for the payment of taxes for the year 1890.

Also,

House Bill No. 37,

A bill for an act to provide for submitting the question of increasing the jurisdiction upon county courts.

Also,

House Bill No. 67,

A bill for an act to provide for the publication of proposed amendments to the Constitution of the State of North Dakota, fixing the rates of compensation therefor, and providing how said compensation shall be made,

Also,

House Bill No. 80,

A bill for an act to allow convicts in the Penitentiary a credit in diminution of their sentence and for their being restored to citizenship on certain conditions,

Also,

House Bill No. 90,

A bill for an act to amend Section 1, Chapter 20 of the Political Code, being Section 478 of the Compiled Laws of Dakota, 1887.

Also,

House Bill No. 101,

A bill for an act prescribing a time for redeeming property sold by virtue of chattel mortgage.

Also,

House Bill No. 104,

A bill for an act amending Chapter 93 of the Laws of the State of North Dakota for the year A. D. 1890, being an act to regulate the practice of medicine in the State of North Dakota; to license physicians, surgeons, obstetricians, and to punish persons violating the provisions thereof.

Also,

House Bill No. 121,

A bill for an act to amend Sections 2, 3 and 5 of Chapter 37 of the Laws of 1890, being an act entitled, "An Act relating to the use of brands and earmarks."

Also,

House Bill No. 65,

A bill for an act to provide for the incorporation and regulation of co-operative and assessment life endowment and casualty insurance associations and societies,

All of which have passed the House, and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

SPECIAL ORDERS.

The hour having arrived for the consideration of Special Orders.

Senate Bill No. 121,

A bill for an act to amend Section 2, Chapter 52, Session Laws of 1889, and Section 15, Chapter 10, Session Laws of 1887.

Mr. Svensrud moved

To amend line 5, Section 2, by striking out the figures "100,000" and inserting in lieu thereof the figures "300,000,"

Which motion prevailed.

Mr. Kinter offered the following amendment:

In line 11, Section 2, after the word "county" add the following: "Provided, That all fees accruing to said office be paid into the salary fund."

Mr. Kuhn moved

That Senate Bill No. 121 be referred to the Joint Committee on Salaries,

Which motion was lost.

The question recurring on the amendment as offered by Mr. Kinter.

The amendment was adopted.

The roll being called on the final passage of the bill as amended there were ayes 23, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Haggart,	Miller,
Arnold,	Ink,	Palmer,
Bidlake,	Johnson of Traill,	Patch,
Bisbee,	Johnson of Ward,	Svennungesen,
Brynjolfson,	Kinter,	Svensrud,
Cashel,	Little,	Weiser,
Engle,	Lowry,	Worst.
Enger,	McCormick, Ramsey,	

Those who voted in the negative were.

Messrs—	Messrs—	Messrs—
Fuller,	Kuhn,	Nelson.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bjorgo,	McCormack, G. F'ks,	Pinkham.
LaMoure,	McGillivray,	

Messrs. Bjorgo, LaMoure, McCormack of Grand Forks, McGillivray and Pinkham being excused.

So the bill passed and the title was agreed to.

Mr. Cashel moved

That further consideration of Senate Bill No. 83 be indefinitely postponed,

Which motion prevailed.

Mr. President called Mr. Patch to the Chair.

Mr. Little moved

That the Senate concur in the House Concurrent Resolution appointing a sub-committee to visit points and places in Dakota

and Minnesota to obtain information as to the cost and value of railroads.

Mr. Almen moved as a substitute

That the House Concurrent Resolution be laid upon the table,  
Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. McCormick of Ramsey moved

That all Senate bills be read the first and second times and referred to their proper committees,  
Which motion prevailed.

Mr. Ink introduced—

Senate Bill No. 140,

A bill for an act providing for an appropriation for the erection of buildings for the North Dakota Academy of Science at Wahpeton, N. D., and the contingent expenses incidental to the construction thereof,

Which was read the first and second times, and referred to the Committee on Appropriations.

Mr. McCormick of Ramsey introduced—

Senate Bill No. 141,

A bill for an act providing for an appropriation for the maintenance of the Deaf and Dumb School at Devils Lake,

Which was read the first and second times, and referred to the Committee on Appropriations.

Mr. Svennungsen introduced—

Senate Bill No. 142,

A bill for an act attaching certain townships designated on the official map of North Dakota as not in any county to Nelson county, in said State of North Dakota,

Which was read the first and second times, and referred to the Committee on Counties.

Mr. Brynjolfson introduced—

Senate Bill No. 143,

A bill for an act relating to the liability of railroad corporations to employes for personal injuries.

Mr. Brynjolfson moved

That Senate Bill No. 143 be referred to the Committee on Railroads.

Mr. Cashel moved as a substitute

That the bill be referred to the Committee on Judiciary,  
Which motion was lost.

The question recurring on the motion of Mr. Brynjolfson, the motion prevailed, and

Senate Bill No. 143 was referred to the Committee on Railroads.

Mr. Palmer introduced—

Senate Bill No. 144,

A bill for an act amending Section 48, Chapter 162, Laws of 1890,

Which was read the first and second times, and referred to the Joint Committee on Revenue and Taxation.

Mr. Johnson of Traill introduced—

Senate Bill No. 145,

A bill for an act to amend Section 4 of Chapter 50 of the Laws of the first session of the Legislative Assembly of the State of North Dakota, entitled "An act to fix the compensation of the judges of county courts and provide a fund to reimburse the county for same,"

Which was read the first and second times, and referred to the Committee on Judiciary.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
February 9, 1891.

MR. PRESIDENT:

I have the honor to inform the Senate that the Speaker has appointed as the House members of the Joint Committee to consider bills relating to prairie fires and fire breaks, Messrs. Yegen, Holritz and Christianson.

J. G. HAMILTON,  
Chief Clerk.

The President announced the appointment of Messrs. Miller and Worst as the Senate members of the Joint Committee to consider all bills relating to prairie fires and fire breaks.

THIRD READING OF SENATE BILLS.

Senate Bill No. 105,

A bill for an act to amend Section 1, Chapter 50, Laws of 1890, entitled "County Courts,"

Was read the third time.

Mr. Miller moved

To amend line 6, Section 1, by inserting after the word "follows" the following: "For the first 1,000 inhabitants, \$100,"

Which motion prevailed.

Mr. Svensrud moved

To amend by striking out the words and figures "for the first three thousand (3,000)" and inserting the words and figures "the next 2,000" in lieu thereof,

Which amendment was adopted.

Mr. Svensrud moved

To amend line 7, Section 1, by striking out the figures "200" in amended bill and inserting the figures "100" in lieu thereof.

Mr. Little moved

That Senate Bill No. 105 be recommitted,

Which motion prevailed.

Senate Bill No. 33,

A bill for an act to fix the maximum rate that railroad companies may charge for the transportation of coal mined within the State of North Dakota,

Was read the third time.

Mr. Kinter moved

That Senate Bill No. 33 be made a special order for 2:30 o'clock p. m. to-morrow,

Which motion prevailed.

The President announced his signature to

Senate Bill No. 2,

A bill for an act regulating appeals from the district courts to the Supreme Court, and to repeal Chapters 2 and 16 of the Code of Civil Procedure, Dakota Territory, as published in Levissee's Code; and Chapters 20 and 26 of the Session Laws of Dakota Territory of the year 1887; also Sections 5213 to 5239, both inclusive, of the Compiled Laws of Dakota Territory of the year 1887. •

Mr. Arnold moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

## THIRTY-SIXTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 10, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. LaMoure and McCormack of Grand Forks, who were excused.

The Journal of the preceding day was read and approved.

## PETITIONS AND COMMUNICATIONS.

Mr. Cashel presented the following petition:

*Hon. J. L. Cashel, Bismarck, N. D.*

DEAR SIR: At a recent meeting of the board of county commissioners I was instructed to forward you the following resolution:

*Resolved,* That the auditor be instructed to forward to the Legislature of North Dakota the following:

The board of county commissioners of Walsh county, North Dakota, do recommend that your honorable body shall make a law extending the time for payment of all real estate and personal property taxes within the State to October 1, 1891.

In our opinion the Legislature will confer a great favor on the taxpayers in making such a law, to apply to the taxes of 1890.

Yours respectfully,

O. M. FRASER,  
County Auditor.

The petition was referred to the Joint Committee on Revenue and Taxation.

Mr. Svennungsen presented the following petition:

*To the Senate and House of Representatives of the State of North Dakota:*

We, the undersigned residents of the State of North Dakota respectfully petition your honorable bodies that the act of the Legislature of this State, approved February 20, 1890, entitled "An act to provide for the organization and government of state banks" be retained upon your statute books, and that if any amendments be made thereto that such amendments shall still provide



that the amount of the capital shall be published, that the report be made as now required by law and published, that such banks be under the supervision and examination of the state government, and that reports be published for the purpose of forming a basis for taxation.

J. D. CARROLL,  
And 23 others.

The petition was referred to the Committee on Banks and Banking.

Mr. Weiser presented the following communication:

BISMARCK, N. D., February 10, 1891.

*From an old soldier to the Senators of the State of North Dakota:*

I appeal to you gentlemen at this time for some position in the employ of the State at the Capitol. I have lived in this State about eight years. I have been on a claim about five and one-half years of that time. I have had troubles and misfortunes since about eighteen months ago that caused me to sell out what I had to pay up my honest debts and had some money left. I have used up over \$2,000 since I came to the State trying to keep out of debt and to hold on and try and come out right, but have failed to this extent that now I am here in Bismarck without any money and no possible way visible to get any until there may be something at the Capitol, and furthermore am under obligations to a gentleman of this city for my support and have been for some time. I hope that you can do something that will be in my favor.

Yours very respectfully,

B. F. BIXBY.

The petition was referred to the Committee on Judiciary.

#### REPORTS OF STANDING COMMITTEES.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads to whom was referred  
Senate Bill No. 116,

A bill for an act requiring railroad companies to use safety couplers on freight cars,

Have had the same under consideration and recommend that the same be reported back to the Senate without recommendation.

R. J. JOHNSON,  
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred  
Senate Bill No. 105,

A bill for an act to amend Section 1, Chapter 50, Laws of 1890, entitled "County Courts,"

Have had the same under consideration and recommend that the same be amended as follows:

Amend lines 18 and 19 of the enrolled bill by striking out the words "one hundred" and inserting in lieu thereof the word "fifty."

Also, amend line 22 by inserting after the word "clerk" in said line 22 the

following: "*Provided*, That in counties of less than 1,000 inhabitants the salary shall be one hundred (100) dollars."

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Svensrud moved

That the report of the committee on Senate Bill No. 105 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred Senate Bill No. 140,

A bill for an act providing for an appropriation for the erection of buildings for the North Dakota Academy of Science at Wahpeton, N. D., and the contingent expenses incidental to the construction thereof,

Have had the same under consideration and recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have delivered

Senate Bill No. 2,

A bill for an act regulating appeals from the district courts to the Supreme Court, and to repeal Chapters 2 and 16 of the Code of Civil Procedure, Dakota Territory, as published in Levissee's Code; and Chapters 20 and 26 of the Session Laws of Dakota Territory of the year 1887; also Sections 5213 to 5239, both inclusive, of the Compiled Laws of Dakota Territory of the year 1887,

To the Governor this 10th day of February, 1891, at 2:25 o'clock p. m.

R. N. INK,  
Chairman.

Mr. Little moved

That the Sergeant-at-Arms be instructed to procure two additional tables for use of the engrossing and enrolling force.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Little moved

That the rules be suspended and that all Senate bills be read

the first and second times and referred to their proper committees,

Which motion prevailed.

Mr. Haggart introduced—

Senate Bill No. 146,

A bill for an act accepting the provisions of an act of Congress approved August 30, 1890, and entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and mechanic arts," established under the provisions of an act of Congress approved July 2, 1862, and designating the North Dakota Agricultural College as the sole beneficiary under this act for the State of North Dakota, and naming the treasurer of said college as the recipient of all funds payable from the United States Treasury in accordance with said act of Congress,

Which was read the first and second times, and referred to the Committee on State Affairs.

Mr. Nelson introduced—

Senate Bill No. 147,

A bill for an act to reimburse the Milnor Normal School, of the town of Milnor, Sargent county, North Dakota, for expenditures in maintaining said school,

Which was read the first and second times, and referred to the Committee on Appropriations.

Mr. Kuhn introduced—

Senate Bill No. 148,

A bill for an act to encourage the construction of artesian wells and defining the rights and liabilities of persons, corporations and companies constructing said wells for the purpose of power, and for the purpose of irrigating agricultural lands,

Which was read the first and second times, and referred to the Committee on Irrigation.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
February 10, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 19,

A bill for an act for paroling prisoners,

Which has been recalled by the Senate.

J. G. HAMILTON,  
Chief Clerk.

#### SPECIAL ORDERS.

The hour having arrived for the consideration of the Attorney

General's opinion upon the power of the Legislature to grant school lands to certain public institutions.

Mr. Haggart moved

That owing to the Attorney General's absence from the Capital, further consideration of the opinion be referred to the Committee on Judiciary until the return of that official,

Which motion prevailed.

Senate Bill No. 33,

A bill for an act to fix the maximum rate that railroad companies may charge for the transportation of coal mined within the State of North Dakota,

Was read the third time.

Mr. Kinter moved a call of the Senate,

Which motion prevailed.

The roll being called the following members were found to be absent without being excused:

Messrs. Haggart, Fuller and Little.

The Sergeant-at-Arms brought the absent members before the bar of the Senate.

Mr. Svensrud moved

That further proceedings under call of the Senate be dispensed with,

Which motion prevailed.

The question recurring upon the final passage of Senate Bill No. 33,

The roll being called there were ayes 23, nays 6.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Eugle,  
Enger,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Lowry,  
McCormick, Ramsey,  
Nelson,

Messrs—

Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—

Bisbee,  
Fuller,

Messrs—

Haggart,  
Little,

Messrs—

McGillivray,  
Miller.

Messrs. LaMoure and McCormack of Grand Forks being absent and excused.

So the bill passed and the title was agreed to.

Mr. Johnson of Ward moved

That the vote by which Senate Bill No. 33 was passed be reconsidered and that the motion to reconsider be laid upon the table,

Which motion prevailed.

The Senate returned to the eighth order of business.

Mr. McGillivray moved

That the courtesies of the floor be extended to Mr. M. Lally, of Stark county,

Which motion prevailed.

Mr. McCormick of Ramsey moved

That the courtesies of the floor be extended to Mr. H. H. Ruger of Devils Lake,

Which motion prevailed.

### THIRD READING OF SENATE BILLS.

Mr. Worst moved

That Senate Bills Nos. 12, 125, 49 and 123 be given their third reading and placed upon their final passage,

Which motion prevailed.

The president pro tem. was called to the chair.

Senate Bill No. 12,

A bill for an act to amend Sections 48, 57, 62 to 70 inclusive of Article 6, and Sections 91 to 101 inclusive of Article 7, and Section 164, Article 17, of an act providing for a uniform system of public schools,

Was read the third time.

Mr. Kinter moved

To amend the title by adding after the words "public schools" the words "approved March 20, 1890,"

Which motion prevailed.

Mr. Haggart moved

That when the Senate adjourn it adjourn till 7:30 o'clock p. m.,

Which motion prevailed.

The question recurring upon the final passage of Senate Bill No. 12 as amended,

The roll being called there were ayes 22, nays 2.

Those who voted in the affirmative were:

Messrs—

Almen,  
Bidlake,  
Bisbee,  
Brynjolfson,  
Cashel,  
Engle,  
Haggart,  
Johnson of Traill,

Messrs—

Kinter,  
Kuhn,  
Little,  
Lowry,  
McGillivray,  
Miller,  
Nelson,

Messrs—

Palmer,  
Patch,  
Pinkham,  
Svennungesen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Arnold,  
Bjorgo,  
Fuller,

Messrs—

Ink,  
LaMoure,

Messrs—

McCormack, G. F'ks,  
McCormick, Ramsey.

Messrs. Enger and Johnson of Ward voting in the negative.

Messrs. LaMoure and McCormack of Grand Forks being excused.

So the bill passed, and the title was agreed to.

SPECIAL ORDERS.

The hour having arrived for the consideration of special orders,  
Mr. Worst moved

That further consideration of the Concurrent Resolution requesting the Attorney General to notify the district attorneys of the State to enforce the State banking law be made a special order for 2:30 o'clock p. m. February 20,

Which motion prevailed.

Mr. Nelson moved

That the Senate do now go into Committee of the Whole for the consideration of Senate Bill No. 49,

Which motion prevailed.

Mr. Nelson was called to the Chair.

When the Committee arose the following report was presented:

SENATE CHAMBER, }  
February 10, 1891. }

MR. PRESIDENT:

Your Committee of the Whole have had under consideration  
Senate Bill No. 49,

A bill for an act relating to the sale of property under an execution, decree, mortgage or lien,

And recommend that said bill do pass.

MAGNUS NELSON,  
Chairman.

Mr. McCormick of Ramsey moved

The adoption of the report,

Which motion prevailed.

The Senate returned to the eighth order of business.

Mr. Haggart moved

That the Hon. W. N. Roach be invited to a seat within the bar of the Senate,

Which motion prevailed.

Mr. Nelson moved

That Senate Bill No. 49 be read the third time and placed upon its final passage,

Which motion prevailed, and

Senate Bill No. 49,

A bill for an act relating to the sale of property under an execution, decree, mortgage or lien,

Was read the third time.

The roll being called there were ayes 23, nays 6.

Those who voted in the affirmative were:

Messrs—

Almen,  
Bisbee.  
Engle,  
Enger,  
Fuller,  
Haggart,  
Ink,  
Johnson of Traill,

Messrs—

Johnson of Ward,  
Kinter,  
Kuhn,  
Little.  
Lowry,  
McCormick, Ramsey,  
McGillivray,  
Miller,

Messrs—

Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svensrud,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—

Arnold,  
Bidlake,

Messrs—

Bjorgo,  
Brynjolfson,

Messrs—

Cashel,  
Svennungsen,

Messrs. LaMoure and McCormack of Grand Forks being absent and excused.

So the bill passed, and the title was agreed to.

Mr. Haggart moved

That the vote by which Senate Bill No. 49 was passed be reconsidered, and that the motion to reconsider be laid upon the table,  
Which motion prevailed.

Mr. Little moved

That the Senate take a recess until 7:30 o'clock p. m.,  
Which motion prevailed.

## EVENING SESSION.

The Senate reassembled at 7:30 o'clock p. m.

The Lieutenant Governor presiding.

Senate Bill No. 58,

A bill for an act providing for an appropriation for the erection of buildings for the State Agricultural College and Experimental Station at Fargo, and for current and contingent expenses of the same,

Was read the third time.

Mr. Fuller moved

That the consideration of all appropriation bills be made a special order for next Tuesday at 2 o'clock p. m.

Mr. Haggart moved

That the motion be laid upon the table,  
Which motion prevailed.

Mr. Svensrud moved

That all appropriation bills be made a special order for next Saturday at 3 o'clock p. m.

Mr. Little moved  
That the motion be laid upon the table,  
Which motion prevailed.  
The question recurring on the final passage of the bill,  
Roll call was demanded.  
The roll being called there were ayes 26, nays 1.  
Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Ink.	Miller,
Arnold,	Johnson of Traill,	Nelson,
Bisbee,	Johnson of Ward,	Palmer,
Bjorgo,	Kinter,	Patch,
Brynjolfson,	Kuhn,	Pinkham,
Cashel,	Little,	Svensrud,
Eagle,	Lowry,	Weiser,
Fuller,	McCormick, Ramsey,	Worst.
Haggart,	McGillivray,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bidlake,	McCormack of G. F <sup>ks</sup>	Svennungsen.
LaMoure,		

Mr. Enger voting in the negative.

Messrs. LaMoure, McCormack of Grand Forks, and Svennungsen being excused.

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which Senate Bill No. 58 was passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate Bill No. 59,

A bill for an act providing for an appropriation for the erection of buildings for the State Normal School at Mayville, North Dakota, and for current and contingent expenses for the same,

Was read the third time.

The roll being called upon the final passage of the bill there were ayes 26, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Haggart,	Miller,
Arnold,	Ink,	Nelson,
Bisbee,	Johnson, of Traill,	Palmer,
Bjorgo,	Johnson, of Ward,	Patch,
Brynjolfson,	Kinter,	Pinkham,
Cashel,	Little,	Svensrud,
Engle,	Lowry,	Weiser,
Euger,	McCormick, Ramsey,	Worst.
Fuller,	McGillivray	



Absent and not voting:

Messrs—	Messrs—	Messrs—
Bidlake,	McCormack, G. F'ks.	Svennungsen.
LaMoure,		

Mr. Kuhn voting in the negative.

Messrs. Bidlake, LaMoure, McCormack of Grand Forks and Svennungsen being excused.

So the bill passed, and the title was agreed to.

Mr. Johnson of Traill moved

That the vote by which Senate Bill No. 59 was passed be reconsidered and that the motion to reconsider be laid upon the table, Which motion prevailed.

Senate Bill No. 60,

A bill for an act for an appropriation for the erection of a Soldiers' home at Lisbon, Ransom county, N. D., and for current and contingent expenses for the same,

Was read the third time.

The roll being called on the final passage of the bill there were ayes 26, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Fuller,	McGillivray,
Arnold,	Haggart,	Miller,
Bidlake,	Ink,	Nelson,
Bisbee,	Johnson of Traill,	Palmer,
Bjorgo,	Johnson of Ward,	Patch,
Brynjolfson,	Kinter,	Pinkham,
Cashel,	Little,	Svensrud,
Engle,	Lowry,	Weiser,
Enger,	McCormick, Ramsey,	Worst.

Absent and not voting:

Messrs—	Messrs—	Messrs—
LaMoure,	McCormack, G. F'ks,	Svennungsen,

Mr. Kuhn voting in the negative.

Messrs. LaMoure, McCormick of Grand Forks and Svennungsen being excused.

So the bill passed and the title was agreed to.

Mr. Ink moved

That the vote by which Senate Bill No. 60 was passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate Bill No. 61,

A bill for an act to provide funds for the construction and furnishing necessary buildings for the North Dakota Normal School located at Valley City, North Dakota,

Was read the third time.

The roll being called on the final passage of the bill there were ayes 25, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Haggart,	Miller,
Arnold,	Ink,	Nelson,
Bidlake,	Johnson of Traill,	Palmer,
Bisbee,	Johnson of Ward,	Patch,
Bjorgo,	Kinter,	Pinkham,
Brynjolfson,	Little,	Svensrud,
Engle,	Lowry,	Weiser,
Enger,	McCormick, Ramsey,	Worst.
Fuller,		

Those who voted in the negative were.

Messrs—	Messrs—	Messrs—
Cashel,	Kuhn,	McGillivray.

Absent and not voting:

Messrs—	Messrs—	Messrs—
LaMoure,	McCormack, G. F'ks,	Svennungsen.

Messrs. LaMoure, McCormack of Grand Forks and Svennungsen being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bill No. 61 was passed be reconsidered and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate Bill No. 65,

A bill for an act providing for an appropriation for the current and contingent expenses of the penitentiary at Bismarck, and for making needed permanent improvements,

Was read the third time.

Mr. Little moved

To amend by striking out the emergency clause,

Which motion prevailed.

The roll being called on the final passage of the bill as amended there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Haggart,	McGillivray,
Arnold,	Ink,	Miller,
Bidlake,	Johnson of Traill,	Nelson,
Bisbee,	Johnson of Ward,	Palmer,
Bjorgo,	Kinter,	Patch,
Brynjolfson,	Kuhn,	Pinkham,
Cashel,	Little,	Svensrud,
Engle,	Lowry,	Weiser,
Enger,	McCormick, Ramsey,	Worst.
Fuller,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
LaMoure,	McCormack of G.Fk's	Svennungsen.

Messrs. LaMoure, McCormack of Grand Forks, and Svennungsen being excused.

So the bill passed, and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bill No. 65 was passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate Bill No. 66,

A bill for an act appropriating funds for the support and maintenance of the Hospital for the Insane at Jamestown,

Was read the third time.

Mr. Little moved

To amend by striking out the emergency clause,

Which motion prevailed.

The roll being called upon the final passage of the bill as amended, there were ayes 28, nays 0.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Haggart,	McGillivray,
Arnold,	Ink,	Miller,
Bidlake,	Johnson of Traill,	Nelson,
Bisbee,	Johnson of Ward,	Palmer,
Bjorgo,	Kinter,	Patch,
Brynjolfson,	Kuhn,	Pinkham,
Cashel,	Little,	Svensrud,
Engle,	Lowry,	Weiser,
Enger,	McCormick, Ramsey,	Worst.
Fuller,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
LaMoure,	McCormack of G.Fk's	Svennungsen.

Messrs. LaMoure, McCormack of Grand Forks, and Svennungsen being excused.

So the bill passed and the title was agreed to.

Mr. Worst moved

That the vote by which Senate Bill No. 66 was passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate Bill No. 72,

A bill for an act for an appropriation for the erection of the North Dakota State Reform School at Mandan, and for incidental and contingent expenses for the same,

Was read the third time.

The roll being called upon the final passage of the bill there were ayes 22, nays 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson of Traill,	Nelson,
Bidlake,	Kinter,	Palmer,
Bisbee,	Little,	Patch,
Brynjolfson,	Lowry,	Pinkham,
Engle,	McCormick, Ramsey	Svensrud,
Fuller,	McGillivray,	Weiser,
Haggart,	Miller,	Worst.
Ink,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Almen,	Cashel,	Johnson of Ward,
Bjorgo,	Enger,	Kuhn.

Absent and not voting:

Messrs—	Messrs—	Messrs—
LaMoure,	McCormack, G. F'rks,	Svennungsen.

Messrs. LaMoure, McCormack of Grand Forks and Svennungsen being excused.

So the bill passed and the title was agreed to.

Mr. Miller moved

That the vote by which Senate Bill No. 72 was passed be reconsidered and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate Bill No. 99,

A bill for an act providing for an appropriation for the erection of buildings for the Deaf and Dumb Asylum at the city of Devils Lake, and the purchase of a site therefor,

Was read the third time.

The roll being called upon the final passage of the bill there were ayes 27, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Fuller,	McGillivray,
Arnold,	Haggart,	Miller,
Bidlake,	Ink,	Nelson,
Bisbee,	Johnson of Traill,	Palmer,
Bjorgo,	Johnson of Ward,	Patch,
Brynjolfson,	Kinter,	Pinkham,
Cashel,	Little,	Svensrud,
Engle,	Lowry,	Weiser,
Enger,	McCormick, Ramsey,	Worst.

Absent and not voting:

Messrs—	Messrs—	Messrs—
LaMoure,	McCormack, G. F'rks,	Svennungsen.

Mr. Kuhn voting in the negative.

Messrs. LaMoure, McCormack of Grand Forks and Svennungsen being excused.

So the bill passed, and the title was agreed to.

Mr. McCormick of Ramsey moved

That the vote by which Senate Bill No. 99 was passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Ink moved

That the rules be suspended and that Senate Bill No. 140 be given its third reading and placed upon its final passage,

Which motion prevailed.

Senate Bill No. 140,

A bill for an act providing for an appropriation for the erection of buildings for the North Dakota Academy of Science at Wahpeton, N. D., and the contingent expenses incidental to the construction thereof,

Was read the third time.

The roll being called on the final passage of the bill there were ayes 21, nays 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Ink,	Miller,
Bidlake,	Johnson of Traill,	Nelson,
Bisbee,	Kinter,	Palmer,
Brynjolfson,	Little,	Patch,
Engle,	Lowry,	Pinkham,
Fuller,	McCormick, Ramsey,	Weiser,
Haggart,	McGillivray,	Worst.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Almen,	Enger,	Kuhn,
Bjorgo,	Johnson of Ward,	Svensrud.
Cashel,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
LaMoure,	McCormack, G Forks	Svennungsen,

Messrs. LaMoure, McCormack of Grand Forks and Svennungsen being excused.

So the bill passed, and the title was agreed to.

Mr. Ink moved

That the vote by which Senate Bill No. 140 was passed be reconsidered and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate Bill No. 131,

A bill for an act to provide for the maintenance of the military department of the State of North Dakota,

Was read the third time.

The roll being called on the final passage of the bill there were ayes 24, nays 4.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Brynjolfson,  
Cashel,  
Engle,  
Fuller,

Messrs—

Haggart,  
Ink,  
Johnson of Traill,  
Kinter,  
Little,  
Lowry,  
McCormick, Ramsey,  
McGillivray,

Messrs—

Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svensrud,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—

Bjorgo,  
Enger,

Messrs—

Johnson of Ward,

Messrs—

Kuhn.

Absent and not voting:

Messrs—

LaMoure,

Messrs—

McCormack of G Fks,

Messrs—

Svennungsen.

Messrs. LaMoure, McCormack of Grand Forks, and Svennungsen being excused.

So the bill passed, and the title was agreed to.

Mr. Bidlake moved

That the vote by which Senate Bill No. 131 was passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Worst moved

That the Senate do now adjourn.

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

## THIRTY-SEVENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 11, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

The Journal of the preceding day was read and approved.

REPORTS OF STANDING COMMITTEES.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred  
Senate Bill No. 74,

A bill for an act to provide for the registration by the Treasurer  
of State bonds, issued or assumed by the State of North Dakota,

Have had the same under consideration and recommend that  
the same be amended as follows:

Amend the title by striking out the word "of" when it appears after the  
word "State" and before the word "bonds."

Amend Section 3 by adding the following proviso at the end thereof; *Pro-  
vided*, That all fees so received shall be covered into the General Fund of the  
State.

Amend by striking out all of Section 4.

And when so amended recommend that the same do pass.

JAMES McCORMICK,  
Chairman.

Mr. Cashel moved

That the report of the committee on Senate Bill No. 74 be  
adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and En-  
rolled Bills.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your committee on State Affairs to whom was referred

House Bill No. 82,

A bill for an act to provide a penalty for the unlawful sale or disposal of fire arms or ammunition for the same to any Indians who are not citizens of the United States,

Have had the same under consideration and recommend that the same do pass.

Also,

Senate Bill No. 115,

A bill for an act to amend Sections 2 and 10 of Chapter 107 of the General Laws of 1890, entitled "An Act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils."

And recommend that the same do pass.

JAMES McCORMICK,  
Chairman.

MOTIONS, RESOLUTIONS, ETC.

Mr. LaMoure moved

That the Special Committee on Revenue and Taxation be requested to ascertain what counties have extended upon their tax lists the deductions which the State Board of Equalization refused to recognize and report the same to the Senate to-morrow,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. McGillivray moved

That the rules be suspended and that all Senate bills now on the Clerk's desk be read the first and second times and referred to their proper committees,

Which motion prevailed.

Mr. Lowry introduced--

Senate Bill No. 149,

A bill for an act to amend Section 7 of Chapter 26 of the Session Laws of 1890, relating to boards of health, being Section 198 of Compiled Laws of 1887,

Which was read the first and second times, and referred to the Committee on Public Health.

Mr. McGillivray introduced--

Senate Bill No. 150,

A bill for an act to increase the revenues of the State by changing and increasing the boundaries of the counties of Pierce, McHenry, Bottineau, Ward, McLean, Williams, Billings, Stark, Morton and Mercer, and by repealing the act entitled "An act pertaining to the subdivision of the counties of Walleto and Howard, Dakota Territory," approved March 9, 1883,



Which was read the first and second times, and referred to the Committee on Counties.

Mr. Bidlake introduced -

Senate Bill No. 151,

A bill for an act to amend Chapter 132 of the Laws of 1890, being an act prescribing the mode of making assessment and the levy and collection of taxes, and for other purposes relative thereto, so as to exempt personal property to an amount not exceeding \$200 for each individual liable to taxation,

Which was read the first and second times, and referred to the Joint Committee on Revenue and Taxation.

Mr. Weiser moved

That the privileges of the floor be extended to Judge J. Jeff Dobbin of Barnes county,

Which motion prevailed.

Mr. Little moved

That the privileges of the floor be extended to Hon. Harvey Harris of Burleigh county,

Which motion prevailed.

#### COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }  
February 11, 1891. }

*To the President of the Senate:*

I have the honor to inform you that I have this day signed Senate Bill No. 2,

An Act regulating appeals from the district courts to the Supreme Court, and to repeal Chapters 2 and 16 of the Code of Civil Procedure, Dakota Territory, as published in Levissee's Code; and Chapters 20 and 26 of the Session Laws of Dakota Territory of the year 1887; also Sections 5213 to 5239, both inclusive, of the Compiled Laws of Dakota Territory of the year 1887.

Very respectfully,

ANDREW H. BURKE,  
Governor.

#### THIRD READING OF SENATE BILLS.

Senate Bill No. 123,

A bill for an act to amend Sections 2, 5, 6 and 11 of Chapter 146 of the General Laws of the year 1890, entitled "An act to provide for the leasing and sale of the common school lands of North Dakota,"

Was read the third time.

Mr. Svensrud moved

To amend line 18, page 2, by striking out the word "to" before the word "years" and inserting the word "two,"

Which motion prevailed.

Mr. Cashel moved

To amend line 23, Section 5, by adding after the word "price" the words, "before said bidding is closed,"

Which motion prevailed.

The roll being called on the final passage of the bill as amended there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,  
Haggart, .

Messrs--

Ink,  
Johnson of Traill,  
Kinter,  
Kuhu,  
Little,  
Lowry,  
McCormack, G. F'ks,  
McCormick, Ramsey,  
McGillivray,

Messrs—

Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Bjorgo,

Messrs—

Johnson of Ward,

Messrs--

LaMoure,

Mr. LaMoure being excused.

And so the bill passed, and the title was agreed to.

Senate Bill No. 21,

A bill for an act to require county treasurers to deposit county funds in designated depositories and providing for interest thereon,

Was read the third time.

Mr. Worst moved

That the bill be referred to the Committee on Judiciary,

Which motion was lost.

Mr. Little moved

That Senate Bill No. 21 be made a special order for next Monday at 3 o'clock p. m.,

Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
February 11, 1891. }

MR. PRESIDENT:

I have the honor to transmit herewith a Joint Resolution memorializing Congress to furnish to the State of North Dakota, 1,000 accoutrements for the 1,000 Springfield rifles donated.

#### JOINT RESOLUTION.

WHEREAS, The State of North Dakota has among its limited ordnance stores some one 1,000 old style Springfield rifles without the necessary accoutrements; and

WHEREAS, Congress has recently appropriated to the State of North Da-

kota these 1,000 old style Springfield rifles without the usual accompanying accoutrements; and

WHEREAS, It is customary to have accoutrements with arms of this class; and

WHEREAS, The Legislative Assembly of the State of North Dakota, has deemed it wise and proper to impose it as a duty upon the Governor of the State to issue these arms to the various Grand Army Posts within the State, that said Grand Army Posts may be effective in time of emergency; now, therefore,

*Be it Resolved by the Second Legislative Assembly of the State of North Dakota,* That the Congress of the United States is hereby memorialized to enact such legislation as shall authorize the honorable Secretary of War to issue to the State of North Dakota 1,000 old style accoutrements, to-wit:

1,000 cartridge boxes, with plates U. S.

1,000 waist belts, with plates U. S.

1,000 bayonet scabbards.

1,000 shoulder belts, with plates U. S.

1,000 gun straps.

1,000 canteens.

1,000 knapsacks.

*And be it further resolved,* That the members of Congress representing the State of North Dakota be requested to use all honorable means within their power to secure the passage of such legislation as shall cause to be appropriated to the State of North Dakota the accoutrements herewith prayed for.

Also, a concurrent resolution instructing the Board of Trustees of the Insane Asylum of North Dakota to commence proceedings to collect the damages of said Asylum resulting from the non-fulfillment of a certain contract of Gray Bros.

#### CONCURRENT RESOLUTION.

*Resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That the Board of Trustees of the Insane Asylum of North Dakota are hereby instructed to commence legal proceedings against Alfred Dickey, J. W. Sheridan and A. J. Smith as bondsmen for the Gray Brothers, together with said Gray Brothers for damage and non-fulfillment of contract in boring an artesian well for the said Insane Asylum at Jamestown, North Dakota, said suit to be entered in the Federal court at Fargo.

SECTION 2. Nothing in this resolution shall prevent the counsel employed from using his discretion in naming the parties as defendants in the action.

Which the House has passed.

J. G. HAMILTON,  
Chief Clerk.

Senate bill No. 36,

A bill for an act defining the boundaries of the Fifth judicial district, subdividing the same and fixing the time for holding the terms of the district court therein,

Was read the third time.

Mr. Worst moved

To amend by reinstating Section 9 as printed in the original bill,

Which motion prevailed.

Also, that the bill be further amended by numbering the sections consecutively as in the original bill,

Which motion prevailed.

The roll being called on the passage of the bill as amended there were ayes 31, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack of G. Fks,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

So the bill passed and the title was agreed to.

Senate Bill No. 105,

A bill for an act to amend Section 1, Chapter 50, Laws of 1890,  
Was read the third time.

Mr. Worst moved

To amend by inserting the word "major" before the word "fraction" wherever it occurs in the bill,

Which motion prevailed.

Mr. Arnold moved

To amend line 17, Section 1, by striking out the figures "\$2,000" and inserting the figures "\$1,500" in lieu thereof,

Which motion prevailed.

Mr. Pinkham moved

That Senate Bills No. 105 and 129 be made a special order for Friday at 3 o'clock p. m.

Mr. Nelson moved as a substitute that Senate Bill No. 105 be re-referred to the Judiciary Committee with instructions to incorporate Senate Bills Nos. 105 and 129 into one bill,

Which motion was lost.

The question recurring on the motion to make the bills a special order,

The motion prevailed.

Senate Bill No. 127,

A bill for an act authorizing special school districts to refund bonded indebtedness and to transfer certain funds,

Was read the third time and placed upon its final passage.

Mr. Kinter moved a call of the Senate,

Which motion prevailed.

Mr. Kinter moved

That further proceedings under the call of the Senate be dispensed with,

Which motion prevailed.

The roll being called on the final passage of the bill there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. Forks

Messrs—

McCormick, Ramsey,  
Miller,  
Nelson,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Fuller,

Messrs—

McGillivray,

Messrs—

Palmer.

So the bill passed and the title was agreed to.

Senate Bill No. 41.

A bill for an act to amend Sections 7, 10 and 15 of Chapter 91, General Laws of 1890, relating to marriage license,  
Was read the third time and placed upon its final passage.

The roll being called, there were ayes 25, nays 5.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bjorgo,  
Cashel,  
Enger,  
Fuller,  
Ink,  
Johnson of Traill,  
Johnson of Ward,

Messrs—

Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack of G. Fks,  
McCormick, Ramsey,  
McGillivray,

Messrs—

Miller,  
Nelson,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—

Bidlake,  
Bisbee,

Messrs—

Brynjolfson,  
Engle,

Messrs—

Palmer.

Mr. Haggart absent and not voting.

So the bill passed and the title was agreed to.

The Senate returned to the eighth order of business.

Mr. McGillivray moved

That fifty extra copies of Senate Bill No. 150 be printed,  
Which motion prevailed.

Mr. McGillivray moved

That the Senate do now adjourn,  
Which motion prevailed, and  
The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

## THIRTY-EIGHTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 12, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

Mr. Worst moved

That the matter relating to Prof. Ogden be expunged from the Journal.

Which motion prevailed.

The Journal of the preceding day was read and approved.

## PETITIONS AND COMMUNICATIONS, ETC.

Mr. Svenningsen presented the following petition:

LAKOTA, N. D., January 29, 1891.

*To the Honorable, the Legislative Assembly of the State of North Dakota:*

We, the undersigned, respectfully petition your honorable body to have what is known as "No Man's Land," in ranges 60 and 61, townships 155, 156, 157 and 158, attached to Nelson county. The people unanimously voted against being attached to Ramsey county at the election in the winter of 1889, and again last fall, of 1890.

THOMAS LYLE,  
and 14 others.

Mr. Patch presented the following petition:

*To the Honorable James Patch, Senator of North Dakota, 22d Senatorial District, and Members of Senate and House of Representatives:*

We, the undersigned, petition your honorable body to extend the time of payment of taxes of 1890 to October 15, 1891, without penalty and costs, which we earnestly pray.

FREDERICK SKIDMORE,  
and 44 Others.

Referred to the Committee on Ways and Means.

Mr. Palmer presented the following petition:

## RUGBY, PIERCE COUNTY, N. D.

*Hon. Frank Palmer, Bismarck, N. D.:*

DEAR SIR: The following resolution was passed and a copy ordered sent to each of our representatives at Bismarck:

WHEREAS, Crop in this and adjoining counties during the year 1890 were almost a total failure, and

WHEREAS, The personal and real estate taxes for the year 1890, becomes delinquent on the first day of March and June, 1891, respectively, and

WHEREAS, The inhabitants of Pierce county are not able to pay said taxes at the time they become due, therefore be it

*Resolved*, By the board of county commissioners of Pierce county, N. D., that the Legislature now in session be and hereby is requested to re-enact and continue in force Chapter 145 of the Laws of 1890, relating to the extension of time of payment of taxes.

On motion the above resolution was approved and adopted.

M. MADSEN,

County Auditor.

GEO. W. SPACK,

Chairman.

Referred to the Committee on Ways and Means.

Mr. Haggart presented the following petition:

*Resolved*, That the First Baptist Sunday School of Fargo, North Dakota, is opposed to the resubmission of that part of the Constitution allowing the licensing of the places where our boys are manufactured into drunkards, commonly called dramshops, and that the secretary of this school be requested to write our Representatives at Bismarck begging them to protect the morals of the rising generations.

C. T. THOMSON,  
Secretary.

Referred to the Committee on Temperance.

## REPORTS OF STANDING COMMITTEES.

The Committee on Banks and Banking made the following report:

MR. PRESIDENT:

Your Committee on Banks and Banking to whom was referred Senate Bill No. 124,

A bill for an act to amend Section 1, Chapter 189, General Laws of 1890, entitled "An act requiring the payment of fees into the State Treasury by corporations upon filing of articles of incorporation, or upon increase of capital stock,

Have had the same under consideration and recommend that the same be amended as follows:

In line 8 following the word "products" strike out the word "and."

In line 9 following the word "corporations" insert the following:

And any association formed for the purchase and maintenance of male animals for the improvement of stock not exceeding \$5,000.

In line 15 strike out the word and figure "five (5)" and insert in lieu thereof the word and figures "fifty (50)."

In same line following the word "first" strike out the figures "\$5,000" and insert the figures "\$50,000."

And when so amended recommend that the same do pass.

J. L. CASHEL,  
Chairman.

Mr. Little moved

That the report of the committee on Senate Bill No. 124 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred

Senate Bill No. 42,

A bill for an act relating to certain State, county, city, township and school officers to restrain them from speculating in any bond, warrant or evidence of indebtedness against the municipal corporations under which they hold office,

Have had the same under consideration and recommend that the same do not pass, as the subject matter of said bill is fully covered by Section 26, Chapter 117 of the Session Laws of 1890.

JAMES McCORMICK,  
Chairman.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 9,

A Joint Resolution and Memorial to the President of the United States, the Secretary of War and both branches of the National Congress, asking for enlargement of Fort Abraham Lincoln and increase of number of troops at such post,

And find the same correctly engrossed and enrolled.

R. N. INK.  
Chairman.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

Senate Bill No. 147,

A bill for an act to reimburse the Milnor Normal School, of the town of Milnor, Sargent county, North Dakota, for expenditures in maintaining said school,

Have had the same under consideration and recommend that the same do pass.

Also,

Senate Bill No. 138,

A bill for an act making an appropriation for the erection of a dormitory and boiler house for the University of North Dakota,



Have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN E. HAGGART,  
Chairman.

The Committee on Corporations Other Than Municipal made the following report:

MR. PRESIDENT:

Your Committee on Corporations Other Than Municipal to whom was referred

Senate Bill No. 117,

A bill for an act to amend Section 8 of Chapter 72 of the General Laws of 1890, the same being an act entitled "An act to provide for the incorporation of certain classes of benevolent and charitable institutions."

Have had the same under consideration and recommend that the same do pass.

S. SVENNUNGSSEN,  
Chairman.

The Committee on Appropriations made the following report:  
MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

Senate Bill No. 141,

A bill for an act providing for an appropriation for the maintenance of the Deaf and Dumb School at Devils Lake,

Have had the same under consideration and recommend that the same be amended as follows:

In line 6 strike out the figures "18,000.00" and insert in lieu thereof the figures "16,500.00."

Strike out all of line 7.

JOHN E. HAGGART,  
Chairman.

Mr. McCormack of Ramsey moved

That the report of the Committee on Senate Bill No 141 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

Senate Bill No. 137,

A bill for an act making an appropriation for the maintenance of the University of North Dakota,

Have had the same under consideration and recommend that the same be amended as follows:

In line 2 strike out the figures "79,600.00" and insert in lieu thereof the figures "60,700.00."

In line 5 strike out the figures "45,000.00" and insert in lieu thereof the figures "41,800.00."

In line 6 strike out the figures "5,000.00" and insert in lieu thereof the figures "2,000.00."

In line 7 strike out the figures "2,500.00" and insert in lieu thereof the figures "1,500.00."

In line 8 strike out all the line.

In line 9 strike out the figures "5,000.00" and insert in lieu thereof the figures "3,000.00."

In line 10 strike out the figures "4,000.00" and insert in lieu thereof the figures "3,000.00."

In line 11 strike out the figures "1,500.00" and insert in lieu thereof the figures "300.00."

In line 12 strike out the figures "5,000.00" and insert in lieu thereof the figures "1,500.00."

In line 13 strike out the figures "4,000.00" and insert in lieu thereof the figures "3,000.00."

In line 14 strike out the figures "1,000.00" and insert in lieu thereof the figures "900.00."

In line 15 strike out the figures "2,400.00" and insert in lieu thereof the figures "1,800.00."

In line 16 strike out the figures "1,200.00" and insert in lieu thereof the figures "900.00."

In line 17 strike out the figures "2,000.00" and insert in lieu thereof the figures "1,000.00."

And when so amended recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Arnold moved

That the report of the committee on Senate Bill No. 137 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred Senate Bill No. 146,

A bill for an act accepting the provisions of an act of Congress approved August 30, 1890, and entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and mechanic arts," established under the provisions of an act of Congress approved July 2, 1862, and designating the North Dakota Agricultural College as the sole beneficiary under this act for the State of North Dakota, and naming the treasurer of said college as the recipient of all funds payable from the United States Treasury in accordance with said act of Congress.

Have had the same under consideration and recommend that the same do pass.

JAMES McCORMICK,  
Chairman.

Mr. Cashel, on behalf of the committee appointed on the draw-

ing for the long and short terms, made an oral report that the committee had been unable to hold a meeting, but had decided to meet at 10 o'clock a. m. on Saturday, the 14th inst., in room 11 of the Sheridan House.

Mr. Kinter moved

That the report of the committee be received and the committee continued,

Which motion prevailed.

Mr. Little moved

That the rules be suspended, and that all House bills on the Secretary's table receive their first and second readings and reference,

Which motion prevailed.

#### FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 65,

A bill for an act to provide for the incorporation and regulation of co-operative and assessment life endowment and casualty insurance associations and societies,

Was read the first and second times, and referred to the Committee on Insurance.

Substitute for House Bill No. 21,

A bill for an act to amend Section 5 of an act entitled "An act requiring railroad companies to build and keep in repair, highway crossings, Chapter 127, Session Laws of 1890."

Was read the first and second times, and referred to the Committee on Railroads.

House Bill No. 6,

A bill for an act repealing an act entitled "An act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils."

Was read the first and second times, and referred to the Committee on State Affairs.

House Bill No. 29,

A bill for an act providing for extension of the time for the payment of taxes for the year 1890.

Was read the first and second times, and referred to the Committee on Ways and Means.

House Bill No. 37,

A bill for an act to provide for submitting the question of increasing the jurisdiction upon county courts,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 45,

A bill for an act to facilitate the shipment of live stock, grain and other commodities,

Was read the first and second times, and referred to the Committee on Railroads.

Substitute for House Bill No. 58,

A bill for an act for the protection of bank depositors,

Was read the first and second times, and referred to the Committee on Banks and Banking.

House Bill No. 64,

A bill for an act to provide for the incorporation and regulation of life endowment and casualty insurance companies, corporations or societies, other than co-operative or assessment life endowment or casualty associations or societies,

Was read the first and second times, and referred to the Committee on Insurance.

House Bill No. 67,

A bill for an act to provide for the publication of proposed amendments to the Constitution of the State of North Dakota, fixing the rates of compensation therefor, and providing how said compensation shall be made,

Was read the first and second times, and referred to the Committee on Public Printing.

House Bill No. 80,

A bill for an act to allow convicts in the Penitentiary a credit in diminution of their sentence, and for their being restored to citizenship upon certain conditions.

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 121,

A bill for an act to amend Sections 2, 3 and 5 of Chapter 37 of the Laws of 1890, being an act entitled, "An Act relating to the use of brands and earmarks,"

Was read the first and second times, and referred to the Committee on Stock.

House Bill No. 104,

A bill for an act amending Chapter 93 of the Laws of the State of North Dakota for the year A. D. 1890, being an act to regulate the practice of medicine in the State of North Dakota; to license physicians, surgeons, obstetricians, and to punish persons violating the provisions thereof,

Was read the first and second times, and referred to the Committee on Public Health.

House Bill No. 90,

A bill for an act to amend Section 1, Chapter 20 of the Political Code, being Section 478 of the Compiled Laws of Dakota, 1887,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 101.

A bill for an act prescribing a time for redeeming property sold by virtue of chattel mortgage.

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 111,

A bill for an act to amend Section 39 of Chapter 21 of the Political Code.

Was read the first and second times, and referred to the Committee on Counties.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
February 12, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 27,

A bill for an act to amend Section 18 of Chapter 152, entitled "An Act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein," approved February 14, 1890,

Also,

Senate Bill No. 92,

A bill for an act to amend Sections 3 and 5 of Chapter 160, Session Laws of 1890, providing for the establishment, erection and operation of the North Dakota Agricultural College and Experimental Station at Fargo,

Which the House has passed unchanged.

J. G. HAMILTON,  
Chief Clerk.

Mr. Little moved

That the Senate concur in the House Concurrent Resolution instructing the Board of Trustees of the Insane Asylum of North Dakota to commence proceedings to collect the damages of said asylum resulting from the non-fulfillment of a certain contract of Gray Brothers,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Arnold was called to the Chair.

Mr. Little moved

That all Senate bills now on the Clerk's table be read the first and second times, and referred to their proper committees,

Which motion prevailed.

Mr. Bjorgo introduced—

Senate Bill No. 152,

A bill for an act, entitled "An Act to fix the compensation of

the clerks of the district courts and provide a fund to reimburse the county for the same,

Which was read the first and second times, and referred to the Committee on Judiciary.

Mr. Haggart introduced—

Senate Bill No. 153,

A bill for an act providing for the execution of bonds and undertakings by general guaranty companies,

Which was read the first and second times, and referred to the Committee on Banks and Banking.

Mr. Little introduced—

Senate Bill No. 154,

A bill for an act fixing the penalty for willful neglect of certain officers to make reports, and other duties required by law, prescribing certain duties of the board of county commissioners, and attorney in relation thereto,

Which was read the first and second times, and referred to the Committee on Judiciary.

Mr. Miller introduced—

Senate Bill No. 155,

A bill for an act providing for the returns and records of births, marriages and deaths and compilation of statistics relating thereto,

Which was read the first and second times and referred to the Committee on Statistics.

Mr. Almen (by request) introduced—

Senate Bill No. 156,

A bill for an act to prohibit the mortgaging of the homestead and of property absolutely exempt under the laws of this State,

Which was read the first and second times, and referred to the Committee on Judiciary.

#### THIRD READING OF SENATE BILLS.

Senate Bill No. 18,

A bill for an act to amend Section 33 of Chapter 2 of an act passed at the First Legislative Assembly of the State of North Dakota, known as the "School Law,"

Was read the third time.

Mr. Kinter moved

To amend the bill by striking out the words "five cents per mile" wherever it occurs and inserting the words "seven cents."

Mr. McGillivray moved

That the Senate do now adjourn.

Roll call demanded.

The roll being called there were ayes 17, nays 13.

Those who voted in the affirmative were:

Messrs—

Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle.

Messrs—

Fuller,  
Haggart,  
Ink,  
LaMoure,  
Little,  
McCormack of G Fks,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Palmer,  
Worst.

Those who voted in the negative were:

Messrs—

Almen,  
Arnold,  
Enger,  
Johnson of Traill,  
Johnson of Ward,

Messrs—

Kinter,  
Kuhn,  
McCormick, Ramsey,  
Patch,

Messrs—

Pinkham,  
Svennungsen,  
Svensrud,  
Weiser.

Mr. Lowry being absent and not voting.

So the motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

## THIRTY-NINTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 13, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

Mr. Kinter moved

That the reading of the Journal be dispensed with, and a committee be appointed to correct the same,

Which motion prevailed, and

The Chair appointed Messrs. Little and Worst as such committee.

## UNFINISHED BUSINESS.

The question recurring upon the amendment of Mr. Kinter to Senate Bill No. 18,

Roll call was demanded.

The roll being called there were ayes 20, nays 7.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,

Messrs—

Haggart,  
Ink,  
Johnson of Traill,  
Kinter,  
LaMoure,  
Little,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Patch,  
Pinkham,  
Worst.

Those who voted in the negative were:

Messrs—

Almen,  
Enger,  
Johnson of Ward,

Messrs—

Kuhn,  
McCormack, G Forks

Messrs—

Svennungsen,  
Svensrud.

Absent and not voting:

Messrs—

Fuller,  
Lowry,

Messrs—

Palmer,

Messrs—

Weiser.



So the amendment was adopted.

The bill was then placed upon its final passage.

The roll being called there were ayes 25, nays 2.

Those who voted in the affirmative were:

Messrs —

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Enger,  
Haggart,

Messrs—

Ink.  
Kinter,  
LaMoure,  
Little,  
Lowry,  
McCormack of G. F'ks  
McCormick, Ramsey,  
McGillivray,

Messrs—

Miller,  
Nelson,  
Palmer,  
Patch.  
Pinkham,  
Svennungsen,  
Svensrud,  
Worst.

Absent and not voting:

Messrs—

Engle,  
Fuller,

Messrs—

Johnson of Trail,

Messrs—

Weiser.

Messrs. Johnson of Ward and Kuhn voting in the negative.

So the bill passed and the title was agreed to.

#### PETITIONS AND COMMUNICATIONS.

Mr. Lowry presented the following petition:

*To the Honorable, the Senate and House of Representatives of the State of North Dakota:*

The petition of the undersigned citizens of the county of Cass respectfully sets forth that they have learned that a bill is now before the two Houses of Assembly providing for the submission of an amendment repealing the prohibition clause of the Constitution, and believing such a measure to be against the will of a majority of the inhabitants of our State, respectfully remonstrate against its passage by your honorable body and that the present law be maintained.

E. E. CURTIS,  
And 13 others.

Also, the same petition signed by James P. Hogan and 65 others.

Mr. Engle presented the following petition:

*To the Honorable the Senate of the State of North Dakota:*

Believing that the demands of the people for a fair test of the prohibitory law have not been met, owing to the difficulties growing out of the "original package" decision, the undersigned petition your honorable body to take no action looking towards a change in the prohibitory article of our Constitution.

GERTRUDE M. DAVIES,  
And 80 others.

Mr. Fuller presented the following petitions:

*To the Honorable, the House of Representatives of the State of North Dakota:*

Believing that the demands of the people for a fair test of the prohibitory law have not been met, owing to the difficulties growing out of the "original

package" decision, the undersigned petition your honorable body to take no action looking toward a change in the prohibitory article of our Constitution.

MRS. L. C. WADE,  
and 53 others.

Also, a similar petition signed by Wm. L. Hall and 26 others.

Also, a similar petition signed by Mrs. Wm. Ewing and 19 others.

Mr. Fuller presented the following petition:

*To the Honorable members of the Senate of the State of North Dakota:*

We, the undersigned, property owners and taxpayers, respectfully submit to your honorable body the feasibility of a re-submission of the prohibitory law to the voters of our State at as early a day as possible.

Our reasons for asking a change are as follows:

First. An immense amount of money leaves the State for beverages drank which could be manufactured here.

Second. By making a license for selling it would bring a revenue to defray our running expenses.

Third. Our taxes would be lower.

Fourth. It will disinhabit the State to a large degree if no change is made.

Fifth. Many houses would be empty.

Sixth. Taxes would be too oppressive; we could not pay them, hence we ever pray you give this your due consideration.

S. S. ALTSCHUL  
and 65 others.

Dated at Jamestown, N. D., February 9, 1891.

Referred to the Committee on Temperance.

Mr. Johnson of Traill presented the following petition:

*To Hons. H. H. Strom and R. Johnson, Bismarck, N. D.:*

We, the undersigned, citizens of Traill and Steele counties, do hereby petition you to use all honorable means to defeat the bill pending in the State Legislature which provides for the resubmission of the liquor question, earnestly protesting against such measure.

Dated February 11, 1891.

O. J. HAGEN,  
and 45 others.

Mr. Patch presented the following petition:

*To the Honorable Members of the Second Legislative Assembly of the State of North Dakota:*

We, the undersigned citizens of New Rockford, Eddy County, N. D., respectfully ask your honorable body not to repeal Section 27 of the present State banking law, as we regard it as a safeguard to the financial interests of the State generally, tending to encourage the establishment and protection of reputable financial institutions.

C. J. MADDOX,  
And 28 others.

Mr. Pinkham presented the following petition:

DRAYTON, PEMBINA COUNTY, N. D.

*To the honorable, the Senate of the State of North Dakota:*

Believing that the demands of the people for a fair test of the prohibitory

law have not been met, owing to the difficulties growing out of the "original package" decision, the undersigned petition your honorable body to take no action looking towards a change in the prohibitory article of our Constitution.

J. M. WYLLIE,  
And 3,500 others.

The petition was referred to the Committee on Temperance.

Mr. Worst presented the following petition:

STEELE, N. D., January 31, 1891.

We, the undersigned taxpayers of Kidder county, State of North Dakota, do earnestly petition and pray our honorable Senator and Representatives to protest against the repealing of Section 27 of Chapter 23, page 106 of the Laws of 1890, of North Dakota, believing the same to be a protection to depositors, and in justice to the taxpayers, we earnestly ask that you oppose the repealing of said chapter. But our people favor the amending the present law so that it will not require over one good, responsible man to organize such a bank.

There is no doubt but that every taxpayer in the district would sign this had they an opportunity.

W. A. FRIDLEY,  
and 33 others.

The petition was referred to the Committee on Banks and Banking.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
February 13, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith  
House Bill No. 34,

A bill for an act to amend Section 3 of an act entitled "An act to fix the compensation of the county judges of the county courts, and providing a fund to reimburse the county for the same, Chapter 50 of the Session Laws of 1890.

Also,

House Bill No. 106,

A Bill for an act to amend Section 6 of an act entitled, "An Act authorizing counties to procure seed grain for needy farmers resident therein," Chapter 152 of the Session Laws of North Dakota 1890, and to re-enact the same as so amended,

Which have passed the House.

Also, a Concurrent Resolution providing for the repeal by vote of the people Article 20 of the Constitution of the State of North Dakota, entitled "Prohibition,"

Which has passed the House, and your concurrence therein is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

REPORTS OF STANDING COMMITTEES.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 92,

A bill for an act to amend Sections 3 and 5, Chapter 160, of the Laws of 1890,

And find the same correctly engrossed and enrolled.

R. N. INK,  
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

Senate Bill No. 25,

A bill for an act for the protection of laborers employed by men running threshing machines in this State,

Have had the same under consideration and recommend that the same be referred to Committee of the Whole Senate.

C. B. LITTLE,  
Chairman.

The President announced his signature to

Senate Bill No. 92,

A bill for an act to amend Sections 3 and 5 of Chapter 160, Session Laws of 1890, providing for the establishment, erection and operation of the North Dakota Agricultural College and Experimental Station at Fargo.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred

House Bill No. 111,

A bill for an act to amend Section 39 of Chapter 21 of the Political Code.

Have had the same under consideration and recommend that the same do pass.

Also,

Senate Bill No. 150,

A bill for an act to increase the revenues of the State by changing and increasing the boundaries of the counties of Pierce, McHenry, Bottineau, Ward, McLean, Williams, Billings, Stark, Morton and Mercer, and by repealing the act entitled "An act pertaining to the subdivision of the counties of Walleette and Howard, Dakota Territory," approved March 9, 1883,

And recommend that the same be amended as follows:

In line 4, Section 3, in printed bill, after the word "inclusive" insert the following: "And township 159, ranges 81, 82 and 83."

In line 4, Section 4, strike out the figures "159" and insert the figures "158" in lieu thereof.

In line 5 strike out the figures "159" and "160" and insert the figures "158" and "159" in lieu thereof.

In line 6 strike out the figures "159" and insert the figures "158" in lieu thereof.

In line 2, Section 12, after the word "Stark" insert the words "Morton and Billings."

And when so amended recommend that the same do pass.

JAMES JOHNSON,  
Chairman.

Mr. McGillivray moved

That the report of the Committee on Senate Bill No. 150 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred  
House Bill No. 12,

A bill for an act regulating the admission of attorneys to practice in the courts of the State of North Dakota,

Have had the same under consideration and recommend that the same do pass.

Also,

House Bill No. 80,

A bill for an act to allow convicts in the Penitentiary a credit in diminution of their sentence, and for their being restored to citizenship upon certain conditions,

And recommend that the same do pass.

C. B. LITTLE,  
Chairman.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have delivered

Senate Bill No. 92,

A bill for an act to amend Sections 3 and 5 of Chapter 160, Laws of 1890.

To the Governor this 13th day of February, 1891, at 2:45 o'clock p. m.

R. N. INK,  
Chairman.

#### MOTIONS AND RESOLUTIONS.

Mr. Palmer moved

To recall Senate Bill No. 111 from the Committee on Privileges

and Elections, and have the same referred to the Committee on Counties,

Which motion prevailed, and

The bill was referred to the Committee on Counties.

Mr. Lowry moved

That the courtesies of the floor be extended Mr. George Nicoll,  
Which motion prevailed.

Mr. Bidlake moved

That the courtesies of the floor be extended to Mr. W. J. Mooney,

Which motion prevailed.

Mr. Cashel moved

That the courtesies of the floor be extended to Mr. W. W. Hillis, of Langdon,

Which motion prevailed.

#### SPECIAL ORDERS.

The hour having arrived for the consideration of special orders.

Mr. Haggart moved

That the further consideration of Senate Bill No. 105 be postponed until next Monday at 3 o'clock p. m.,

Which motion prevailed.

#### INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Kinter moved

That the rules be suspended and that all Senate Bills be read the first and second times and referred to their proper committees,

Which motion prevailed.

The Joint Committee on Stock introduced—

Senate Bill No. 157,

A bill for an act to prevent the spread of contagious and infectious diseases among domestic animals,

Which was read the first and second times, and referred to the Committee on Stock.

Mr. Cashel introduced—

Senate Bill No. 158,

A bill for an act amending Section 8 of Chapter 71 of the Session Laws of the First Legislative Assembly of the State of North Dakota,

Which was read the first and second times, and referred to the Committee on Judiciary.

Mr. Little (by request) introduced—

Senate Bill No. 159,

A bill for an act to relieve Louise Von Lindeman, whose stock had to be killed to check the progress of an infectious disease,

Which was read the first and second times, and referred to the Committee on Appropriations.

Mr. Bisbee introduced—

Senate Bill No. 160,

A bill for an act to provide for the payment of the salaries of county officers monthly, and for other purposes,

Which was read the first and second times, and referred to the Committee on Counties.

Mr. Johnson of Traill introduced—

Senate Bill No. 161,

A bill for an act to amend Section 25 of Chapter — of the Laws of 1891, entitled "A bill for an act regulating appeals from the district courts to the Supreme Court, and to repeal Chapters 3 and 16 of the Code of Civil Procedure, Dakota Territory, as published in Levissee's Code, and Chapters 20 and 26 of the Session Laws of Dakota Territory of the year 1887; also, Sections 5213 to 5239, both inclusive, of the Compiled Laws of Dakota Territory of the year 1887,

Which was read the first and second times, and referred to the Committee on State Affairs.

Mr. Patch introduced—

Senate Bill No. 162,

A bill for an act requiring the clerk of the district and county courts to make an alphabetical index to court records,

Which was read the first and second times, and referred to the Committee on Judiciary.

Mr. Kinter introduced—

Senate Bill No. 163,

A bill for an act to amend Section 18 of Chapter 152 entitled "An Act authorizing counties to issue bonds to procure seed grain for needy farmers, resident therein," approved February 14, 1890,

Which was read the first and second times, and referred to the Committee on Agriculture.

Committee on Appropriation introduced—

Senate Bill No. 164,

A bill for an act to make an appropriation for the collection, arrangement and display of the products of the State of North Dakota at the World's Columbian Exposition of 1893 and to provide for the expenses of the State Commissioners thereof,

Which was read the first and second times, and referred to the Committee on Appropriations.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
February 13, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 11,

A bill for an act to legalize the action of the Governor, Chief Justice and Secretary of State, as the State Board of Canvassers, Which has passed the House unchanged.

Also,

Senate Bill No. 76,

A bill for an act attaching the counties of Renville, Monttraille, Flannery, Buford, Garfield and Stevens to the county of Ward, Which the House has amended as follows:

Section 1 is amended by inserting the words "and other purposes," after the word "judicial."

Also,

Senate Bill No. 68,

A bill for an act attaching the county of Church to the county of McHenry for judicial purposes,

Which the House has amended as follows:

In Section 1 by striking out of line 4 of the printed bill the word "Legislative."

Also,

House Bill No. 85,

A bill for an act to legalize and validate the State tax levy for the year 1890,

Also,

House Bill No. 99,

A bill for an act to amend Section 2 of Chapter 120, of the General Laws of 1890, entitled "An Act to define what newspapers are entitled to publish legal notices and do public printing," approved March 31, 1890,

Also,

House Bill No. 114,

A bill for an act locating the Blind Asylum of the State of North Dakota in the county of Pembina and providing for an election of the electors of said county to determine the place in said county in which said institution shall be placed.

Also,

House Bill No. 137,

A Joint Resolution and Memorial to the President of the United States, the Secretary of the War Department, the Secretary of the Interior, and both branches of the National Congress, at Washington, D. C., asking that the provisions of the act of Congress of the United States, entitled "An Act to provide for the disposal of abandoned and useless military reservations," approved July 5, 1884, be extended to include all actual and bona fide settlers on the Fort Rice Military Reservation in North Dakota (recently opened to settlement) who were such actual and bona fide settlers on such reservation prior to the date and approval of said act of Congress.

Also,



A Concurrent Resolution for a Memorial to Congress asking an appropriation to irrigate the arid and semi-arid districts of North Dakota.

#### CONCURRENT RESOLUTION

For a Memorial to Congress for an Appropriation to Irrigate the Arid and Semi-arid Districts of North Dakota.

*To the Honorable the Congress of the United States:*

The people of the State of North Dakota in Legislative Assembly convened respectfully represent:

WHEREAS, The State of North Dakota, with a population of nearly a quarter of a million of people, who in good faith have paid the national government \$29,000,000 for what they supposed at time of purchase to be arable lands; and

WHEREAS, The continued failure of crops by reason of drouth for the three years last past proves conclusively that the major portion of the land so purchased is not arable, but is in fact arid or semi-arid lands; and

WHEREAS, The rainfall throughout the greater portion of the said lands is insufficient for the nurturing of agricultural industries, and by reason of such lack of rainfall there has resulted long and severe drouths for a series of successive years, and during such periods of drouth all the surface water has been removed from the land by the process of evaporation, except in the deep-water lakes and rivers, which "are few and far between." That by reason of such continued drouths the agricultural interests have, during such dry periods, suffered almost an entire failure, thus greatly retarding the growth and development of the country, producing general stagnation in all lines of business, and spreading distress and desolation throughout the land.

Therefore, the people of this State do respectfully petition your honorable body, the Congress of the United States, praying that such laws may be enacted as will secure the appropriation of such sums of money as may be reasonable to successfully irrigate by means of artesian wells, or other practical methods, the settled parts of the arid and semi-arid lands of North Dakota, and for the passage of such laws as may be necessary to settle all interstate irrigation questions.

And your concurrence therein is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

#### COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }  
February 13, 1891. }

*To the President of the Senate:*

I have the honor to inform you that I have this day approved Senate Bill No. 92,

An Act to amend Sections 3 and 5 of Chapter 160, Session Laws of 1890.

Very respectfully,

ANDREW H. BURKE,  
Governor.

#### THIRD READING OF SENATE BILLS.

Senate Bill No. 125,

A bill for an act to amend Sections 3, 4, 7, 8, 22, 24, 32, 37, 40,

55, 66, 67, 68, 74, 75, 79, 81, 83, 87, 101, 110, 121, 122, 135, 136, 137, 140, 143, 144, 148, 167, 169 and 192 of Chapter 62, Laws of 1890, entitled "An act to provide for a uniform system of free public schools throughout the State and to prescribe penalties for violation of the provisions thereof,"

Was read the third time.

Mr. Kinter moved

That in Section 14, line 34, the words "or partisan political pamphlets and books" be stricken out,

Which motion prevailed, and

The bill was placed upon its final passage.

The roll being called there were ayes 29, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynolfson,  
Cashel,  
Engle,  
Enger,  
Fuller.

Messrs—

Haggart,  
Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack of G.Fk's

Messrs—

McCormick, Ramsey,  
McGillivray,  
Miller,  
Nelson,  
Patch,  
Pinkham,  
Svennungsen,  
Weiser,  
Worst.

Messrs. Palmer and Svensrud being absent and not voting.

So the bill passed, and the title was agreed to.

#### EXECUTIVE SESSION.

Mr. Haggart moved

That the Senate do now go into executive session for the purpose of considering a communication from the Governor,

Which motion prevailed.

After spending some time in executive session, the Senate resumed its open session.

Mr. Haggart moved

That Senate Bill No. 146 be read the third time and placed upon its final passage,

Which motion prevailed, and

Senate Bill No. 146,

A bill for an act accepting the provisions of an act of Congress approved August 30, 1890, and entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and mechanic arts," established under the provisions of an act of Congress approved July 2, 1862, and designating the North Dakota Agricultural College as the sole beneficiary under this act for the State of North Dakota, and naming the treasurer of said college as the recipient of all funds payable from the United States Treasury in accordance with said act of Congress,

Was read the third time, and placed upon its final passage.

The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Ink,	McGillivray,
Bidlake,	Johnson of Ward,	Miller,
Bisbee,	Kinter,	Nelson,
Bjorgo,	Kuhn,	Patch,
Brynjolfson,	LaMoure,	Pinkham,
Cashel,	Little,	Svennungsen,
Engle,	Lowry,	Svensrud,
Enger,	McCormack, G. Forks	Weiser,
Fuller,	McCormick, Ramsey,	Worst.
Haggart,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson of Traill,	Palmer.

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which Senate Bill No. 146 was passed be reconsidered and that the motion to reconsider be laid upon the table,

Which motion prevailed.

#### COMMITTEE OF THE WHOLE.

Mr. Almen moved

That the Senate do now go into Committee of the Whole for the purpose of considering Senate Bill No. 25,

Which motion prevailed.

Mr. Worst was called to the Chair.

When the Committee arose the following report was presented:

MR. PRESIDENT:

Your Committee of the Whole having had under consideration Senate Bill No. 25,

A bill for an act for the protection of laborers employed by men running threshing machines in this State,

Recommend the passage of the bill with the following amendment:

Strike out all after the word "make" in the third line of the printed bill and insert the following: "A certificate showing the amount due each laborer and leave the same with the person or persons for whom said threshing was done, and the person or persons for whom said threshing was done may then pay to the person or persons doing said threshing the amount due them, after deducting the amount due the laborers for threshing as shown from said certificates. The amount so deducted shall be paid over by the person or persons having such threshing done on demand, to the laborers to whom it is due."

The certificate may be in the following form:

\$..... 1891.

I hereby certify that there is due..... for labor in assisting the undersigned in threshing the grain of..... the sum of.....

.....and I hereby authorize the said.....to pay said.....  
 .....that amount and charge the same to me.  
 .....Thresher.

J. H. WORST,  
 Chairman.

Mr. Almen moved

That the report of the committee be adopted,  
 Which motion prevailed.

Senate Bill No. 137,

A bill for an act making an appropriation for the maintenance  
 of the University of North Dakota,

Was then read the third time and placed upon its final  
 passage,

The roll being called there were ayes 29, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
 Arnold,  
 Bidlake,  
 Bisbee,  
 Bjorgo,  
 Brynjolfson,  
 Cashel,  
 Engle,  
 Enger,  
 Fuller,

Messrs—

Ink,  
 Johnson of Traill,  
 Johnson of Ward,  
 Kinter,  
 Kuhn,  
 LaMoure,  
 Little,  
 Lowry,  
 McCormack of G. F'ks,  
 McCormick, Ramsey,

Messrs—

McGillivray,  
 Miller,  
 Nelson,  
 Patch,  
 Pinkham,  
 Svennungsen,  
 Svensrud,  
 Weiser,  
 Worst.

Messrs. Haggart and Palmer being absent and not voting.

So the bill passed and the title was agreed to.

Mr. McCormack of Grand Forks moved

That the vote by which Senate Bill No. 137 was passed be re-  
 considered, and that the motion to reconsider be laid upon the  
 table,

Which motion prevailed.

Senate Bill No. 119,

A bill for an act fixing the minimum time for which offenders  
 may be committed to the Penitentiary,

Was read the third time and placed upon its final passage.

The roll being called there were ayes 25, nays 4.

Those who voted in the affirmative were:

Messrs—

Almen,  
 Bidlake,  
 Bisbee,  
 Bjorgo,  
 Brynjolfson,  
 Cashel,  
 Engle,  
 Enger,  
 Fuller,

Messrs—

Haggart,  
 Ink,  
 Kinter,  
 Kuhn,  
 Little,  
 Lowry,  
 McCormack, G. F'ks,  
 McCormick, Ramsey,

Messrs—

McGillivray,  
 Miller,  
 Nelson,  
 Patch,  
 Svennungsen,  
 Svensrud,  
 Weiser,  
 Worst.

Those who voted in the negative were:

Messrs—  
Arnold,  
Johnson of Traill,

Messrs—  
Johnson of Ward,

Messrs—  
Pinkham.

Messrs. LaMoure and Palmer being absent and not voting.

So the bill passed, and the title was agreed to.

Senate Bill No. 141,

A bill for an act providing for an appropriation for the maintenance of the Deaf and Dumb School at Devils Lake,

Was read the third time, and placed upon its final passage.

Mr. McCormick of Ramsey moved

To amend by striking out the figures "\$20,000" in line 1, Section 1, and inserting the figures "\$16,500" in lieu thereof.

The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—  
Arnold,  
Bidlake,  
Bisbee,  
Brynjolfson,  
Cashel,  
Engle,  
Euger,  
Fuller,  
Haggart,  
Ink,

Messrs—  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormack, G. F<sup>ks</sup>,  
McCormick, Ramsey,  
McGillivray,

Messrs—  
Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungesen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—  
Almen,

Messrs—  
Bjorgo,

Messrs—  
LaMoure.

So the bill passed, and the title was agreed to.

Mr. McCormick of Ramsey moved

That the vote by which Senate Bill No. 141 was passed be reconsidered, and that the motion to reconsider be laid upon the table,  
Which motion prevailed.

Senate Bill No. 147,

A bill for an act to reimburse the Milnor Normal School, of the town of Milnor, Sargent county, North Dakota, for expenditures in maintaining said school,

Was read the third time and placed upon its final passage,

The roll being called there were ayes 22, nays 3.

Those who voted in the affirmative were:

Messrs—  
Arnold,  
Bidlake,  
Bisbee,  
Brynjolfson,  
Engle,  
Euger,  
Ink,  
Johnson of Traill,

Messrs—  
Kinter,  
Little,  
Lowry,  
McCormack, G. F<sup>ks</sup>,  
McCormick, Ramsey,  
McGillivray,  
Miller,

Messrs—  
Nelson,  
Patch,  
Pinkham,  
Svennungesen,  
Svensrud,  
Weiser,  
Worst.

Those who voted in the negative were.

Messrs—  
Almen,

Messrs—  
Cashel,

Messrs—  
Johnson of Ward.

Absent and not voting:

Messrs—  
Bjorgo,  
Fuller,

Messrs—  
Haggart,  
Kuhn,

Messrs—  
LaMoure,  
Palmer.

So the bill passed and the title was agreed to.

Mr. Nelson moved

That the vote by which Senate Bill No. 147 was passed be reconsidered and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Johnson of Traill moved

That the Senate do now adjourn.

Mr. Little moved as a substitute that when the Senate adjourns it adjourn till Monday at 2 o'clock p. m.

Mr. Ink moved as an amendment to the substitute that when the Senate adjourns it adjourn till to-morrow at 1:59 o'clock p. m..

Roll call demanded.

The roll being called, there were ayes 20, nays 8.

Those who voted in the affirmative were:

Messrs—  
Almen,  
Arnold,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Enger,  
Ink,

Messrs—  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
McCormick, Ramsey,  
McGillivray,  
Miller,

Messrs—  
Nelson,  
Patch,  
Pinkham,  
Svennungesen,  
Svensrud,  
Weiser.

Those who voted in the negative were:

Messrs—  
Bidlake,  
Engle,  
Fuller,

Messrs—  
Haggart,  
Little,  
Lowry,

Messrs—  
McCormack of G. Fks,  
Worst.

Absent and not voting:

Messrs—  
Bisbee,

Messrs—  
LaMoure,

Messrs—  
Palmer.

So the amendment prevailed.

The Senate returned to the ninth order of business.

Mr. Svensrud introduced—

Senate Bill No. 165,

A bill for an act to appropriate money to purchase seed grain for destitute farmers,

Which was read the first and second times, and referred to the Committee on Appropriations.

Mr. Ink moved  
That the Senate do now adjourn,  
Which motion prevailed, and  
The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

FORTIETH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 14, 1891.

The Senate met pursuant to adjournment at 1:59 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

Mr. Little moved

That the reading of the Journal be dispensed with, and a committee appointed to correct the same,

Which motion prevailed, and

The Chair appointed Messrs. Haggart and McGillivray as such committee.

PETITIONS AND COMMUNICATIONS.

Mr. Almen presented the following petition:

*To the Honorable, the House of Representatives of the State of North Dakota:*

Believing that the demands of the people for a fair test of the prohibitory law have not been met, owing to the difficulties growing out of the "original package" decision, the undersigned petition your honorable body to take no action looking towards a change in the prohibitory article of our Constitution.

B. F. WARNER,  
and 38 others.

Mr. Johnson of Traill presented the following petition:

*To the Honorable, the Legislative Assembly of the State of North Dakota:*

The petition of the undersigned citizens of the county of Traill respectfully set forth, that they have learned that a bill is now before the two Houses of Assembly providing for the submission of an amendment repealing the prohibition clause of the Constitution, and believing such a measure to be against the will of a majority of the inhabitants of our State, respectfully remonstrate against its passage by your honorable body, and that the present law be maintained.

J. O. KJILSRERG,  
and 22 others.



Also, the same signed by C. T. Forthun and 15 others.

Mr. Pinkham presented a similar petition signed by R. Hauser and 29 others.

Mr. Johnson of Traill presented the following petition:

We, the undersigned citizens of Grand Forks and Traill counties, do hereby petition you to use all honorable means to defeat the bill pending in the State Legislature, which provides for the resubmission of the liquor question, earnestly protesting against such measure.

THORSTEN E. TUFTE,  
and 50 others.

Dated February 11, 1891.

Mr. Pinkham presented the following petition:

*To the Honorable the Senate of the State of North Dakota:*

Believing that the demands of the people for a fair test of the prohibitory law have not been met, owing to the difficulties growing out of the "original package decision, the undersigned petition your honorable body to take no action looking towards a change in the prohibitory article of our Constitution.

JOHN E. WHITE,  
and 3,500 others.

The petitions were all referred to the Committee on Temperance.

#### REPORTS OF STANDING COMMITTEES.

The Committee on Public Printing made the following report:

MR. PRESIDENT:

Your Committee on Public Printing to whom was referred  
Senate Bill No. 133,

A bill for an act to amend Section 26, Chapter 119, Laws of 1890, entitled "An act in relation to printing and binding for the State, to create a printing commission, providing for the distribution of public documents, reports and session laws, prescribing the duties of the State officers in relation thereto and making appropriations for document fund,"

Have had the same under consideration and recommend that the same do pass.

Also,

House Bill No. 67,

A bill for an act to provide for the publication of proposed amendments to the Constitution of the State of North Dakota, fixing the rates of compensation therefor, and providing how said compensation shall be made,

And recommend that the same do pass.

A. H. LOWRY,  
Chairman.

Mr. Johnson of Ward moved

That the courtesies of the floor be extended to Hon. C. E. Gregory of Minot,

Which motion prevailed.

The Committee on Stock made the following report:

MR. PRESIDENT:

Your Committee on Stock to whom was referred

House Bill No. 9,

A bill for an act to provide facilities for marketing wool,

Have had the same under consideration and recommend that the same do pass.

JAMES JOHNSON,  
Chairman.

The Committee on Coal Mines and Mining made the following report:

MR. PRESIDENT:

Your Committee on Coal Mines and Mining to whom was referred

House Bill No. 25,

A bill for an act to encourage the development of the coal mines of the State, and to determine the kind of coal that shall be used as fuel in the various State institutions,

Have had the same under consideration and recommend that the same be amended as follows:

Amend Section 1 by striking out all after the word "State" in line 14, written bill.

And when so amended recommend that the same do pass.

A. C. MCGILLIVRAY,  
Chairman.

Mr. Little moved

That the report of the Committee on House Bill No. 25 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

Senate Bill No. 145,

A bill for an act to amend Section 4 of Chapter 50 of the Laws of the first session of the Legislative Assembly of the State of North Dakota, entitled "An act to fix the compensation of the judges of county courts and provide a fund to reimburse the county for same,"

Have had the same under consideration and recommend that the same be amended as follows:

Amend the title by striking out at the end of said title the following words "and provide a fund to reimburse the county for same."

Also, amend Section 4 by striking out lines 1 and 2, and to and including the words "county courts" in line 3 of said Section 4.

And when so amended recommend that the same do pass.

Also,

House Bill No. 101,

A bill for an act prescribing a time for redeeming property sold by virtue of chattel mortgage.

And recommend that line 8 of Section 1 of said bill be amended by striking out the word "ten" where it appears in said line 8, and inserting in lieu thereof the word "five,"

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved

That the report of the Committee on Senate Bill No. 145 and House Bill No. 101 be adopted,

Which motion prevailed, and

The bills were referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Banks and Banking made the following report:

MR. PRESIDENT:

Your Committee on Banks and Banking to whom was referred Senate Bill No. 43,

A bill for an act to repeal Section 27 of an act passed at the first session of the Legislative Assembly of North Dakota, entitled "An Act to provide for the organization and government of State banks,"

Have had the same under consideration and by a vote of four to three recommend that the same do not pass.

J. L. CASHEL,  
Chairman.

The Committee on Stock made the following report:

MR. PRESIDENT:

Your Committee on Stock to whom was referred

Senate Bill No. 122,

A bill for an act to regulate the use of marks and brands and trade marks,

Have had the same under consideration and recommend that the same be amended as follows:

Amend Section 7, printed bill, by inserting in line 3 after the word "to-wit" the words "a bar."

Amend Section 8 by inserting after the word "State" in line 4, "within thirty days after the taking effect of this act."

And when so amended recommend that the same do pass,

JAMES JOHNSON,  
Chairman.

Mr. Miller moved

That the report of the Committee on Senate Bill No. 122 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Irrigation made the following report:

MR. PRESIDENT:

Your Committee on Irrigation to whom was referred  
Senate Bill No. 148,

A bill for an act to encourage the construction of artesian wells and defining the rights and liabilities of persons, corporations and companies constructing said wells for the purpose of power, and for the purpose of irrigating agricultural lands,

Have had the same under consideration and recommend that the same do pass.

D. P. KUHN,  
Chairman.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred  
Senate Bill No. 163,

A bill for an act to amend Section 18 of Chapter 152 entitled "An Act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein," approved February 14, 1890,

Have had the same under consideration and recommend that the same do pass.

A. SVENSRUD,  
Chairman.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred  
House Bill No. 6,

A bill for an act repealing an act entitled "An act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils,"

Have had the same under consideration and recommend that the same do pass.

JAMES McCORMICK,  
Chairman.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have delivered

Senate Bill No. 11,

A bill for an act to legalize the action of the Governor, Chief Justice and Secretary of State, as the State Board of Canvassers,

To the Governor this 14th day of February, 1891, at 4:15 o'clock p. m.

R. N. INK,  
Chairman.

## REPORTS OF SPECIAL COMMITTEES.

Mr. Cashel, on behalf of the committee on drawing for the long and short term, said a majority of the committee were in favor of putting off the drawing till the last Thursday of the session.

Mr. LaMoure moved

That the report of the committee as to date of drawing be adopted,

Which motion prevailed.

## MOTIONS AND RESOLUTIONS.

Mr. Kinter moved

That Senate Bill No. 161 be recalled from the Committee on State Affairs and referred to the Committee on Judiciary,

Which motion prevailed, and

The bill was referred to the Committee on Judiciary.

Mr. Almen presented the following communication:

PARK RIVER, N. D., February 13, 1891.

*Hon. John Almen, Senate, Bismarck:*

DEAR SIR: The five persons whose names are appended to preambles and resolutions herewith enclosed are chosen and instructed by the Walsh County Farmers' Alliance to submit the same for your consideration, and to urge your action thereon as far as practicable.

## PREAMBLES AND RESOLUTIONS.

First. WHEREAS, It is utterly impossible for many farmers of Walsh and other counties to pay their taxes for 1890 until the crop of 1891 shall have been harvested; and,

WHEREAS, The penalty system is a discrimination against such citizens; therefore, be it

*Resolved*, That our Representatives in the Legislature be urged to use all legitimate means to secure the passage of a bill granting an extension of time to the 15th of October, 1891, when taxes for 1890 may be paid without penalty and with a moderate rate of interest, only, from the time at which they usually become delinquent.

Second. WHEREAS, Bills have been introduced to reduce salaries of county officials and to place the collection of taxes in the hands of township treasurers; it is

*Resolved*, That we shall heartily approve of the passage of such bills, and direct that our Representatives be so advised.

Third. WHEREAS, Occupiers of land are constantly annoyed and the dissemination of foul seeds greatly increased by the custom of driving over property of citizens for the purpose of shortening distance, be it

*Resolved*, That we request our representatives to introduce and do all possible towards the passage of a bill providing that when an occupier of landed property shall have posted conspicuously a notice forbidding persons from trespassing thereon, any one driving, riding or leading any animal or animals thereon may be prosecuted therefor and a penalty prescribed that will reach all persons, whether property owners or not.

Fourth. *Be it Resolved*, That this County Alliance is opposed to the bill known as the resubmission bill, and earnestly pray that it may fail of passage.

Signed in behalf of the Walsh County Farmers Alliance, at Park River' N. D., this 13th day of February, 1891.

D. D. GREEN,  
JOHN WADGE,  
D. E. TOWLE.  
FRED. ROBE,  
WILLIAM FAVILLE.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Johnson of Ward moved

That the Senate concur in the House amendments to Senate Bill No. 76.

The roll was called upon the final passage of Senate Bill No. 76 as amended by the House.

The roll being called there were ayes 25, nays 1.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Enger,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson, of Traill,  
Johnson, of Ward,  
Kinter,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F'ks.

Messrs—

McCormick, Ramsey,  
Miller,  
Nelson,  
Patch,  
Svenningsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Bisbee,  
Engle,

Messrs—

Kuhn,  
McGillivray

Messrs—

Pinkham.

Mr. Palmer voting in the negative.

So the bill passed and the title was agreed to.

Mr. Svensrud moved

That the Senate do now concur in the House amendments to Senate Bill No. 68.

The roll was called upon the final passage of Senate Bill No. 68 as amended by the House.

The roll being called there were ayes 29, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack of G. F'ks,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Palmer,  
Patch,  
Svenningsen,  
Svensrud,  
Weiser,  
Worst.

Messrs. Haggart and Pinkham being absent and not voting.

So the bill passed and the title was agreed to.

The President announced his signature to  
Senate Bill No. 11,

A bill for an act to legalize the action of the Governor, Chief Justice and Secretary of State, acting as a board of canvassers.

#### MESSAGES FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, {  
February 14, 1891. }

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 19,

A bill for an act entitled "An act for the paroling prisoners,"  
Which has passed the House unchanged.

Also,

To transmit herewith  
Substitute for House Bill No. 128,

A bill for an act prohibiting the mortgaging of real and personal property in the same mortgage instrument.

Also,

Substitute for House Bill No. 134,

A bill for an act to amend an act providing for a system of accounts for the State Auditor and State Treasurer.

Also,

House Bill No. 162,

A bill for an act to amend Section 3 of Chapter 1 of the Justices Code an act entitled "An act to establish a Code of Procedure in courts of justices of the peace and to limit the jurisdiction of the same,"

All of which have passed the House, and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 11,

A bill for an act to legalize the action of the Governor, Chief Justice and Secretary of State, acting as a State Board of Canvassers,

And find the same correctly engrossed and enrolled.

R. N. JNK,  
Chairman.

Mr. McCormack of Grand Forks moved  
That Senate Bill No. 50 be read the third time and placed upon its final passage,

Which motion prevailed, and  
Senate Bill No. 50,

A bill for an act proposing an amendment to Section 182 of Article 12 of the Constitution of the State of North Dakota,  
Was read third time and placed upon its final passage.

The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Haggart,  
Ink,

Messrs—

Johnson of Ward,  
Johnson of Traill,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. Forks  
McCormick, Ramsey,

Messrs—

Mr. Gillivray,  
Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungesen,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Bjorgo,

Messrs—

Fuller,

Messrs—

Svensrud.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bill No. 50 was passed be re considered and the motion to reconsider be laid upon the table,  
Which motion prevailed.

The Senate returned to the ninth order of business.

#### INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. McCormick of Ramsey moved

That all Senate bills now upon the Secretary's desk be read the first and second times and referred to their proper committees,  
Which motion prevailed.

Mr. LaMoure introduced—

Senate Bill No. 166,

A bill for an act entitled "An Act to define and limit the homestead exemption, limiting the value thereof, providing a method of claiming and obtaining the same, regulating the disposition, conveyance and incumbrance thereof, and the disposition, conveyance and reincumbrance of the same in cases of insanity of husband or wife,"

Which was read the first and second times, and referred to the Committee on Judiciary.

The Committee on Prairie Fires introduced—

Senate Bill No. 167,



A bill for an act for the prevention of prairie fires, and to provide against damage done by them; also prescribing duties of county commissioners in relation thereto,

Which was read the first and second times, and referred to the Joint Committee on Fire Breaks and Prairie Fires.

Mr. Johnson of Traill introduced—

Senate Bill No. 168,

A bill for an act providing for the assessment for the purpose of taxation of the property of railroad corporations, individuals or associations operating railroads in this State, and the collection of taxes thereon, and to repeal Chapters 134 and 135 of the Laws of 1890,

Which was read the first and second times, and referred to the Committee on Railroads.

Mr. Arnold introduced—

Senate Bill No. 169,

A bill for an act to provide for the publication of the Session Laws,

Which was read the first and second times, and referred to the Committee on Public Printing.

#### THIRD READING OF SENATE BILLS.

Senate Bill No. 115,

A bill for an act to amend Sections 2 and 10 of Chapter 107 of the General Laws of 1890, entitled "An Act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils."

Was read the third time and placed upon its final passage.

Mr. McCormack of Grand Forks moved

To amend Section 10, line 14, of printed bill by striking out the words and figures "five hundred (500)" and inserting the words and figures "five thousand (5,000)" in lieu thereof,

Which motion prevailed.

Mr. Cashel moved

To amend Section 10, line 15, by striking out the words "six months" and inserting in lieu thereof the words "one year,"

Which motion prevailed.

Mr. Arnold moved

To amend line 16, Section 1, by striking out the figures "120" and inserting in lieu thereof the figures "110,"

Which motion was lost.

The roll was called upon the final passage of the bill as amended.

The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormack of G F's  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Patch,  
Pinkham,  
Svenningsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Fuller,

Messrs—

LaMoure,

Messrs—

Palmer.

So the bill passed and the title was agreed to.

Senate Bill No. 150,

A bill for an act to increase the revenues of the State by changing and increasing the boundaries of the counties of Pierce, McHenry, Bottineau, Ward, McLean, Williams, Billings, Stark, Morton and Mercer, and by repealing the act entitled "An act pertaining to the subdivision of the counties of Wallethe and Howard, Dakota Territory," approved March 9, 1883,

Was read the third time and placed upon its final passage.

Mr. McGillivray moved to amend line 2, Section 11, by adding after the words "county commissioners of" the words "the counties of,"

Which motion prevailed;

Mr. Miller moved

To amend line 13, Section 11, by striking out the words "register of deeds" and inserting in lieu thereof the words "county auditor,"

Which motion prevailed.

The roll being called upon the bill as amended there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Lowry,  
McCormack, G F's,  
McCormick, Ramsey,  
McGillivray,

Messrs—

Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svenningsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Fuller,  
Haggart,

Messrs—

LaMoure,

Messrs—

Little.

So the bill passed and the title was agreed to.

Mr. McGillivray moved

That the vote by which Senate Bill No. 150 was passed be reconsidered and that the motion to reconsider be laid upon the table.

Which motion prevailed.

Mr. McCormack of Grand Forks moved

That the Senate do now adjourn.

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,  
Secretary

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### FORTY-SECOND DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 16, 1891.

The Senate met pursuant to adjournment at 2:00 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Kuhn, who was excused.

Mr. LaMoure moved

That the reading of the Journal be dispensed with and a committee appointed to correct the same.

Mr. Ink moved as an amendment

That the Senate withhold from the House the resolutions relating to resubmission and Capitol removal till the Journal is reported upon.

The amendment was ruled out of order, not being germane to the question.

Mr. Ink moved as a substitute

That the Senate withhold from the House the resolutions pertaining to resubmission and Capitol removal.

Mr. LaMoure moved

As an amendment to the substitute that all of the proceedings of the fortieth legislative day be withheld from the House until the Journal is approved.

Mr. Ink accepted the amendment.

Mr. McCormack of Grand Forks moved

As an amendment to the substitute that the Journal be read and disposed of at once.

Mr. LaMoure's amendment not having been seconded, Mr. McCormack's amendment was ruled in order.

Roll call demanded.

The roll was called upon the amendment as moved by Mr. McCormack of Grand Forks.

The roll being called there were ayes 16, nays 13.

Those who voted in the affirmative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Bidlake,	Fuller,	McCormack, G. F'ks,
Bisbee,	Haggart,	Nelson,
Bjorgo,	Kinter,	Palmer,
Brynjolfson,	LaMoure,	Patch,
Engle,	Lowry,	Svensrud.
Eger,		

Those who voted in the negative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Almen,	Little,	Pinkham,
Arnold,	McCormick, Ramsey,	Svenningesen,
Ink,	McGillivray,	Weiser,
Johnson of Traill,	Miller,	Worst.
Johnson of Ward,		

Messrs. Cashel and Kuhn being absent and not voting,  
Mr. Kuhn being excused.

So the amendment was adopted.

The question recurring upon the substitute as amended  
The substitute motion prevailed.

The Journal of the preceding day was read,

#### COMMUNICATIONS FROM THE GOVERNOR.

The following communications were received from the Governor:

EXECUTIVE OFFICE, }  
February 16, 1891. }

*To the President of the Senate:*

I have the honor to inform you that I have this day approved  
Senate Bill No. 11,

An act to legalize the action of the Governor, Chief Justice  
and Secretary of State acting as a State Board of Canvassers.

Very respectfully,

ANDREW H. BURKE,  
Governor.

EXECUTIVE OFFICE, }  
February 16, 1891. }

*To the President of the Senate:*

I have the honor to transmit herewith a copy of Senate Con-  
current Resolution No. 20, passed by the Kansas Legislature, and

forwarded to me, with a request that the same be messaged to your honorable body.

In view of the importance to North Dakota of the subject-matter thereof, I sincerely hope you may give the resolution the consideration it deserves.

Very respectfully,  
ANDREW H. BURKE,  
Governor.

#### SENATE CONCURRENT RESOLUTION NO. 20.

WHEREAS, The complaint throughout agricultural sections, based upon economic questions, having become general in the states of the west and south-west, and

WHEREAS, With a view to the advancement of the material interests of western agricultural and mining states, and recognizing the importance of harmonious action on the part of the states and territories within the agricultural and mining regions west of the Ohio river, and extending to the Pacific ocean; therefore be it

*Resolved by the Senate, the House of Representatives concurring therein:* That the Legislature of the State of Kansas hereby requests, with a view to the consideration of important commercial and economic interests, that the several states and territories lying between the Ohio river and the Pacific ocean join in a commercial congress of such states and territories to be held April 15th, 1891, and in view of central location we suggest Kansas City as the place of meeting; and as a basis of representation in such proposed commercial congress we suggest that each state name as delegates four Senators and five members of the House of Representatives, and that the territories be allowed five delegates each.

*Resolved,* That the President of the Senate and the Speaker of the House of each of the States, shall be *ex-officio* members of said delegation.

*Resolved,* That the presiding officers of each House of the several states and territories, where the Legislatures are in session, be requested to name the delegates to such convention, and where the Legislature of any state or territory is not in session the Governor of such state or territory shall appoint the requisite number of delegates for his state or territory from the members of the Legislatures of such states or territories.

*Resolved,* That the Secretary of the Senate send copies of this resolution to the Executive of each state and territory west of the Mississippi river, and to the following states east of said river, namely: Ohio, Indiana, Kentucky, Tennessee, Michigan, Wisconsin and Illinois, with the request that the Executives of the several states or territories herein designated, signify to the Governor of this state their concurrence or otherwise in the purpose of this resolution, as well as the action of their several legislatures.

Adopted by Kansas Legislature, February 11, 1891.

Attest:

A. G. STACEY,  
Secretary of the Senate.

Mr. McCormick of Ramsey moved  
That a recess of ten minutes be taken,  
Which motion prevailed.

The senate reassembled.

Mr. McCormick moved  
That the Senate do now adjourn,  
Which motion prevailed, and  
And the Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

## FORTY-THIRD DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 17, 1891.

The Senate met pursuant to adjournment at 2:00 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Kuhn, who was excused.

Mr. Kinter moved

That the privileges of the floor be extended to Dr. L. D. Bartlett of Dickey county,

Which motion prevailed.

Mr. Ink moved

That the reading of the Journal of the forty-second day be dispensed with and that it be referred to a committee for correction.

Mr. McCormack of Grand Forks moved as a substitute motion that the Journal be read and corrected.

Mr. McCormick of Ramsey moved

That the substitute motion be indefinitely postponed.

Which motion prevailed.

The question recurring upon the original motion as made by Mr. Ink,

Roll call was demand.

The roll being called there were ayes 19, nays 11.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Engle,  
Enger,  
Ink,  
Johnson of Traill,  
Johnson of Ward,

Messrs—

Kinter,  
Little,  
Lowry,  
McCormick, Ramsey,  
McGillivray,  
Miller,

Messrs—

Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—  
 Bidlake,  
 Bisbee,  
 Bjorgo,  
 Brynjolfson,

Messrs—  
 Cashel,  
 Fuller,  
 Haggart,  
 LaMoure,

Messrs—  
 McCormack of G. Fks,  
 Nelson,  
 Palmer.

Mr. Kuhn being absent and excused.

So the motion prevailed.

The Chair announced as such committee to correct the Journal Messrs. Little and Ink.

Mr. Ink moved

That all subject matter relative to the concurrent resolution from the House regarding resubmission, which is found on page 7 of the Journal of Saturday, 19th inst., commencing with "Mr. La Moure moved that the Senate do now proceed, etc." and all incidental motions connected therewith, including page 9 down to the words "A recess of ten minutes was taken," be expunged from the record.

Roll call was demanded.

The roll being called there were ayes 18, nays 12.

Those who voted in the affirmative were:

Messrs—  
 Almen,  
 Arnold,  
 Engle,  
 Enger,  
 Ink,  
 Johnson of Traill,

Messrs—  
 Johnson of Ward,  
 Kinter,  
 Little,  
 Lowry,  
 McCormick, Ramsey,  
 McGillivray,

Messrs—  
 Patch,  
 Pinkham,  
 Svennungsen,  
 Svensrud,  
 Weiser,  
 Wurst.

Those who voted in the negative were:

Messrs—  
 Bidlake,  
 Bisbee,  
 Bjorgo,  
 Brynjolfson,

Messrs—  
 Cashel,  
 Fuller,  
 Haggart,  
 LaMoure,

Messrs—  
 McCormack of G.Fk's  
 Miller,  
 Nelson,  
 Palmer.

Mr. Kuhn being absent and excused.

So the motion prevailed.

Mr. Little moved that

WHEREAS, on Saturday, Feb. 14th last, a resolution was introduced of a certain character, and no chance was given to the Senate for consideration of the same, points of order being raised which were not sustained, and for other reasons, I move that all in the journal (loose edition) on page 10 after the words "So the bill passed and the title was agreed to" immediately before the words "the senate returned to the eighth order of business," thence on to page 12 up to and including "which motion prevailed," and all incidental motions in connection therewith, be expunged from the record.

Roll call was demanded.

Mr. Ink moved that

Messrs. LaMoure and McCormack of Grand Forks be excused from voting.

Which motion prevailed.

The roll being called there were ayes 24, nays 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Ink,	Miller,
Arnold,	Johnson of Traill,	Nelson,
Bidlake,	Johnson of Ward,	Patch,
Bjorgo,	Kinter,	Pinkham,
Brynjolfson,	Little,	Svennungsen,
Engle,	Lowry,	Svensrud,
Enger,	McCormick, Ramsey,	Weiser,
Haggart,	McGillivray,	Worst.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bisbee,	Fuller,	Palmer.
Cashel,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Kuhn,	LaMoure,	McCormack, G. F <sup>ks</sup> .

Messrs. Kuhn, LaMoure and McCormack of Grand Forks being excused.

So the motion prevailed.

Mr. Ink moved

That Saturday's Journal be approved as corrected.

Roll call demanded.

The roll being called there were ayes 18, nays 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Johnson of Ward,	Patch,
Arnold,	Kinter,	Pinkham,
Engle,	Little,	Svennungsen,
Enger,	Lowry,	Svensrud,
Ink,	McCormick, Ramsey,	Weiser,
Johnson of Traill,	McGillivray,	Worst.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Cashel,	Miller,
Bisbee,	Fuller,	Nelson,
Bjorgo,	LaMoure,	Palmer.
Brynjolfson,	McCormack, G. F <sup>ks</sup>	

Messrs. Haggart and Kuhn being absent and not voting.

Mr. Kuhn being excused.

So the motion prevailed, and the Journal of Saturday was approved as corrected.

A recess of ten minutes was taken.

The Senate reassembled.



## PETITIONS AND COMMUNICATIONS, ETC.

Mr. Johnson of Traill presented the following petition:

*To the Honorable the Senate and the House of Representatives of the State of North Dakota in General Assembly met:*

We, the undersigned, residents of the county of Traill, in said State, respectfully petition your honorable body to pass the bill now pending in the Senate, introduced by the Hon. John E. Haggart appropriating the sum of \$3,000 for the annual tournament of the North Dakota Volunteer Firemen's Association.

By granting the prayers of your petitioners they will ever, etc.,

FRED. L. GOODMAN,  
and 85 others.

Hillsboro, N. D., February 13, 1891.

The petition was referred to the Committee on Appropriations.

Mr. Arnold presented the following petition:

GRAND FORKS, N. D. Feb. 14.

*To H. F. Arnold:*

We oppose the resubmission movement.

NASH BROS.,  
And 100 others.

Mr. Svennungsen presented the following petition:

*To the Honorable, the Senate and the House of Representatives of the State of North Dakota:*

The petition of the undersigned citizens of the County of Nelson respectfully sets forth that they have learned that a bill is now before the two Houses of Assembly providing for the submission of an amendment repealing the prohibition clause of the Constitution, and believing such a measure to be against the will of a majority of the inhabitants of our State, respectfully remonstrate against its passage by your honorable body and that the present law be maintained.

C. M. REES,  
And 75 others.

The petitions were referred to the Committee on Temperance.

Mr. Svennungsen presented the following petition:

*To the Legislature of North Dakota:*

The undersigned, residents of what is known as "No Man's Land," in township 155 and 156 north, of range 61 west, state that an election was held last fall, at which to determine whether said township should be annexed to Ramsey county, and their vote was unanimous against annexation. That most of the residents of said two townships, and the two townships directly north of them, are now absent from home.

So far as the undersigned know they would, if here, join in protesting against being annexed to Ramsey county.

Each of the undersigned protest against being annexed to Ramsey county and petition to be annexed to Nelson county.

Dated February 13, 1891.

Signed,

N. A. Hinebaugh, P. W. Hinebaugh, O. Bartley, Joseph A. Brouse, Joseph Brouse, W. H. Price, O. C. Newbre, C. W. Burrell, Wm. Soule, Robert Brouse, D. C. Lowell, A. E. Newbre, J. A. Newbre, Jessie Blanchard, Geo. Blanchard, Tom Spice, Chas. Spice, Geo. Young, H. W. Cunningham, Henry Cunningham, Geo. Cunningham, Erastus Cunningham, Simon Schmid.

STATE NORTH DAKOTA, }  
COUNTY OF NELSON, } ss.

O. C. Newbre, being duly sworn, makes oath and says that he resides on section 23, in township 155 north, in range 61, west of the 5th principal meridian, in what is known as No Man's Land, and that he has resided there for the past five years; that each of the 23 signatures above are those of genuine residents of said range 61, in townships 155 and 156, of range 61 aforesaid, and that each of the same are their genuine signatures, or made by their direction to this petition; that more could be obtained if the people were at home, and affiant desires, and the residents of said range in No Man's Land, before being attached to Ramsey county, desire the privilege of an election to be held by judges of their own selection, returns to be returned to the Secretary or Governor of the State to designate to what county they shall be attached. Affiant has 1,600 acres of land in said range in No Man's Land, 700 acres of which has been and is under cultivation now.

O. C. NEWBRE.

Sworn to before me, and subscribed in my presence, this 14th day of February, A. D., 1891.

W. H. STANDISH,  
Notary Public for North Dakota.

The communication was referred to the Committee on Counties.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
February 17, 1891. }

MR. PRESIDENT:

I have the honor the honor to inform the Senate that the House has requested the return of House Bill No. 65 for correction.

J. G. HAMILTON,  
Chief Clerk.

Mr. Little moved

That House Bill No. 65 be returned to the House,  
Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The Committee on Statistics made the following report:

MR. PRESIDENT:

Your Committee on Statistics to whom was referred  
Senate Bill No. 155,

A bill for an act providing for the returns and records of births, marriages and deaths and compilation of statistics relating thereto,

Have had the same under consideration and recommend that the same do pass.

JOSEPH MILLER,  
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

House Bill No. 15,

A bill for an act to provide for transferring the tax sales records from the county treasurer's office to the county auditor's office,

Have had the same under consideration and recommend that the same be amended as follows:

Amend said bill by adding emergency clause as follows:

Inasmuch as it is necessary for the proper discharge of the duties of the county auditors that the above transfer should be made at once, therefore this act shall take effect and be in force from and after its passage and approval,

And when so amended recommend that the same do pass.

Also,

Senate Bill No. 134,

A bill for an act to amend Section 579, Penal Code of North Dakota, being Section 6933, Compiled Code of 1887, relating to removing or destroying mortgaged property,

And recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Worst moved

That the report of the committee on House Bill No. 15 and Senate Bill No. 134 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

Mr. Svensrud moved

That Senate Bill No. 105 be made a special order for to-morrow at 3 o'clock,

Which motion prevailed.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads to whom was referred House Bill No. 45,

A bill for an act to facilitate the shipment of live stock, grain and other commodities,

Have had the same under consideration and recommend that the same do pass.

R. J. JOHNSON,  
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred Senate Bill No. 154,

A bill for an act fixing the penalty for willful neglect of certain officers to make reports, and other duties required by law, prescribing certain duties of the board of county commissioners, and states attorney in relation thereto,

Have had the same under consideration and recommend that the same be amended as follows:

Amend said bill by striking out the clause as to time of taking effect,

And when so amended recommend that the same do pass.

Also,

Senate Bill No. 162,

A bill for an act requiring the clerk of the district and county courts to make an alphabetical index to court records,

And recommend that it be amended by inserting in line 3, Section 2, after the word "and" the words "to be." Also strike out the effective clause.

And when so amended recommend that the same bill do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved

That the report of the Committee on Senate Bills No. 154 and 162 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

Mr. Johnson of Ward moved

That Senate Bill No. 21 be made a special order for to-morrow at 2:30 o'clock p. m.,

Which motion prevailed.

The Committee on Fire Breaks and Prairie Fires made the following report:

MR. PRESIDENT:

Your Committee on Fire Breaks and Prairie Fires to whom was referred

Senate Bill No. 167,

A bill for an act for the prevention of prairie fires, and to provide against damage done by them; also prescribing duties of county commissioners in relation thereto,

Have had the same under consideration and recommend that the same do pass.

JOSEPH MILLER,  
Chairman.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads to whom was referred

Substitute for House Bill No. 21,

A bill for an act to amend Section 5 of an act entitled "An act requiring railroad companies to build and keep in repair, highway crossings, Chapter 127, Session Laws of 1890,"

Have had the same under consideration and recommend that the same do pass.

R. J. JOHNSON,  
Chairman.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred  
Senate Bill No. 111,

A bill for an act to provide for the establishment of election  
precincts,

Have had the same under consideration and recommend that  
the same do pass.

JAMES JOHNSON,  
Chairman.

#### REPORTS OF SPECIAL COMMITTEES.

The Special Committee appointed to correct the Journal of the  
thirty-eighth day report as follows:

MR. PRESIDENT:

Your committee appointed to revise the Journal of the thirty-  
eighth day beg leave to report as follows: On page 8, in last line,  
add to the words "Mr. Little moved" the following words, "that  
the rules be suspended and." The line next to the last, on same  
page, viz.: "Mr. Arnold was called to the Chair," should be in-  
serted on page 9, above the line, "Mr. Bjorgo moved."

C. B. LITTLE,  
Chairman.

Mr. McCormick of Ramsey moved

That the Journal of the thirty-eighth day be approved as cor-  
rected,

Which motion prevailed.

#### EXECUTIVE SESSION.

Mr. Little moved

That the Senate do now go into executive session for the pur-  
pose of considering a communication from the Governor,

Which motion prevailed, and

The Senate went into executive session.

After spending some time in executive session the open session  
was resumed.

#### COMMITTEE OF THE WHOLE.

Mr. McCormick of Ramsey moved

That the Senate do now go into Committee of the Whole for the  
purpose of considering the House Concurrent Resolution pertain-  
ing to the resubmission of the prohibitory clause of the Consti-  
tution, and the Senate Concurrent Resolution relating to capital  
removal,

Which motion prevailed, and

The Senate went into Committee of the Whole.

When the committee arose the following report was presented:

**Mr. PRESIDENT:**

Your Committee of the Whole have had under consideration House Bill No. 152, a Concurrent Resolution providing for resubmitting the question of prohibition to a vote of the people, and recommends that said Concurrent Resolution be indefinitely postponed; also have had under consideration the Senate Concurrent Resolution providing for the appointment of a committee to receive proposals for the location of the Capital, and recommend that the resolution be indefinitely postponed.

**R. N. INK,**  
Chairman.

**Mr. LaMoure** moved a call of the house,  
Which motion prevailed.

The roll was called and all members of the Senate who were not excused were found to be present.

**Mr. Worst** moved  
That further proceedings under call of the Senate be dispensed with,  
Which motion prevailed.

**Mr. Little** moved  
That the report of the Committee of the Whole in regard to the Concurrent Resolution on resubmission be adopted, and that said Concurrent Resolution be indefinitely postponed.

**Mr. McCormick of Ramsey** moved  
That the question be divided,  
Which motion prevailed.

The question recurring on the adoption of the first division of the motion,  
The motion prevailed.

**Mr. Little** moved  
That the second division of the report be adopted.  
Roll call demanded.

The roll being called there were ayes 18, nays 12.

Those who voted in the affirmative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Almen,	Johnson of Ward,	Patch,
Arnold,	Kinter,	Pinkham,
Engle,	Little,	Svennungsen,
Enger,	Lowry,	Svensrud,
Ink,	McCormick, Ramsey,	Weiser,
Johnson of Traill,	McGillivray,	Worst.

Those who voted in the negative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Bidlake,	Cashel,	McCormack, G. F'ks,
Bisbee,	Fuller,	Miller,
Bjorgo,	Haggart,	Nelson,
Brynjolfsen,	LaMoure,	Palmer.

**Mr. Kuhn** being absent and excused.

So the second part of the report was adopted.

Mr. Ink moved

That the Concurrent Resolution be indefinitely postponed,  
Which motion prevailed.

Mr. Worst moved

That the report of the committee in relation to the removal of  
the capital be adopted.

Roll call demanded.

The roll being called there were ayes 25, nays 5.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Engle,  
Enger,  
Haggart,  
Ink,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Little,  
Lowry,  
McCormick, Ramsey,  
McGillivray,  
Miller,

Messrs—

Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Those who voted in the negative were.

Messrs—

Brynjolfson,  
Cashel,

Messrs—

Fuller,  
LaMoure,

Messrs—

McCormack, G. F'ks.

Mr. Kuhn being absent and excused.

So the motion prevailed.

Mr. Ink moved

That the vote by which the House Concurrent Resolution relat-  
ing to resubmission was indefinitely postponed be reconsidered.

Mr. Worst moved

To lay the motion upon the table,  
Which motion prevailed.

Mr. Little moved

That the resolution relating to the removal of the Capital be in-  
definitely postponed.

Roll call demanded.

The roll being called, there were ayes 25, nays 5.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Engle,  
Enger,  
Haggart,  
Ink,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Little,  
Lowry,  
McCormick, Ramsey,  
McGillivray,  
Miller,

Messrs—

Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—  
Brynjolfson,  
Cashel,

Messrs—  
Fuller,  
LaMoure,

Messrs—  
McCormack, G. F'ks,

Mr. Kuhn being absent and excused.

So the resolution was indefinitely postponed.

Mr. Little moved

That the vote by which the Concurrent Resolution relating to the removal of the capital was indefinitely postponed be reconsidered.

Mr. Worst moved

That the motion be laid upon the table,

Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
February 17, 1891. }

MR. PRESIDENT:

I have the honor to transmit herewith Senate Joint Resolution and Memorial to the Legislative Assembly of the State of Minnesota relating to receivers and handlers of grain dealing in options.

Also,

Senate Bill No. 78,

A bill for an act relating to the retention of troops at the Fort Totten Military Reservation.

Also,

Senate Bill No. 88,

A bill for an act relating to registering county warrants and duty of the county treasurer relating thereto,

Which have passed the House unchanged.

Also,

Senate Bill No. 24,

A bill for an act giving power to county commissioners to dispose of real estate bid in, in the name of the county at tax sales,

Which the House has amended by adding at the close of Section 5 ".....county auditor" and has passed the bill as so amended and your concurrence therein is respectfully requested.

Also,

House Bill No. 8,

A bill for an act to amend Section 2 of Chapter 1 of the Justice Code, an act entitled "An act to establish a Code of Procedure in courts of justices of the peace and to limit the jurisdiction of the same."

Also,

House Bill No. 166,



A joint memorial to Congress of the Senate and House of Representatives asking that the United States Military Wood reservation on Rock island (now a peninsula), Ramsey county, North Dakota, be donated to the State of North Dakota for the benefit and use of the militia of said State, to be used for encampment grounds and for other purposes.

Also,

House Bill No. 179,

A bill for an act for the equitable adjustment and settlement of the delinquent taxes due to the State from the several counties.

All of which have passed the House, and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

The Senate returned to the sixth order of business.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred Senate Bill No. 107,

A bill for an act providing for an appropriation for the manufacture of potato starch in the State of North Dakota,

Have had the same under consideration and recommend that the same be amended as follows:

In line 3, printed bill strike out the figures "\$15,000," and insert in lieu thereof the figures and words "\$3,000 per annum."

And when so amended recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Little moved

That the report of the Committee on Senate Bill No. 107 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

Mr. McGillivray moved

That the Senate do now adjourn.

Roll call demanded.

The roll being called there were ayes 16, nays 14.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Engle,  
Haggart,  
Ink,  
Johnson of Traill,

Messrs—

Kinter,  
Little,  
Lowry,  
McCormick, Ramsey,  
McGillivray,

Messrs—

Palmer,  
Patch,  
Pinkham,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—

Almen,  
Bisbee,  
Bjorgo,  
Brynolfson,  
Cashel,

Messrs—

Enger,  
Fuller,  
Johnson of Ward,  
LaMoure,  
McCormack of G. F<sup>r</sup>ks

Messrs—

Miller,  
Nelson,  
Svenningsen,  
Syensrud.

Mr. Kuhn being absent and excused.

So the motion prevailed, and  
The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

#### FORTY-FOURTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 18, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Kuhn, who was excused.

Mr. Arnold moved

That the reading of the Journal be dispensed with and that a committee be appointed to correct the same,

Which motion prevailed.

The Chair appointed Messrs Kinter and McCormick of Ramsey as such committee.

Mr. Arnold moved

That the courtesies of the floor be extended to Hon. H. P. Rucker of Grand Forks,

Which motion prevailed.

#### PETITIONS AND COMMUNICATIONS.

Mr. Ink presented the following petitions:

*To the Honorable, the Senate and House of Representatives of the State of North Dakota:*

We, your petitioners, earnestly request your honorable body to memorialize Congress to satisfy our grievances in the matter of the recent decision of the Supreme Court of the United States giving the Great Northern Railroad a prior claim to the lands held by us and for which we have "patents" properly signed and sealed by the proper authorities.

S. E. STEBBINS,  
and 35 others.

The petition was referred to the Committee on Public Lands.

CHRISTIENE, N. D., February, 1891.

*To the Legislature of North Dakota:*

We, the undersigned taxpayers of Richland county, North Dakota, hereby petition your honorable body to fix by a law the annual salary of county commissioners, and that the same be limited throughout North Dakota at \$300 a year and mileage.

C. J. OTTERAN,  
and 33 others.

*To the Honorable Members of the Senate of the State of North Dakota:*

We, the undersigned, voters of Richland county, N. D., respectfully petition the Legislature of North Dakota, that we favor making the chairman of the board of township board of supervisors a member of the county board of supervisors, and to limit the number of meetings of said county board to four meetings each year; and in case the above can not become a law, we respectfully ask that the county commissioners be paid \$3 per day, but not to exceed \$300 per year, each, said sum to include mileage, committee work and expenses.

W. H. HORKER,  
and 17 others.

*To the Honorable, the Legislative Assembly of the State of North Dakota:*

We, the undersigned taxpayers of Richland county, North Dakota, hereby ask your honorable body to pass a law whereby the annual salary of our county commissioners be fixed and limited to \$300 a year and mileage.

F. W. TOOGOOD,  
and 21 others.

Colfax, N. D., February 16, 1891

WAHPETON, N. D., February 10, 1891.

We, the undersigned voters of Richland county, North Dakota, respectfully petition the Legislature of North Dakota, that we favor making the chairman of the township board of supervisors a member of the county board of supervisors, and to limit the number of meetings of said county board to four meetings each year, and in case the above cannot become a law, we respectfully ask that the county commissioners be paid \$3 per day, not to exceed \$300 per year each, said sum to include mileage, committee work and expenses.

JOHN McMILLAN,  
and 105 others.

The petitions were referred to the Committee on Counties.

Mr. Bisbee presented the following petition:

*To the Legislative Assembly of the State of North Dakota:*

We, the undersigned citizens of Towner county, North Dakota, do respectfully ask you to make a law to regulate liens and chattel mortgages on crop.

If there is a lien or chattel mortgage taken on crop, the mortgagee would be compelled to leave the mortgagor enough grain for one year's provisions, feed for the stock, and seed grain for the coming year:

FRANK EMELE,  
and 16 others.

The petition was referred to the Committee on Judiciary.

REPORTS OF STANDING COMMITTEES. ●

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on Ways and Means to whom was referred  
Senate Bill No. 29,

A bill for an act providing for extension of the time for payment of the taxes for the year 1890,

Have had the same under consideration and recommend that the same do pass.

JUDSON LAMOURE,  
Chairman.

The Committee on Public Health made the following report:

MR. PRESIDENT:

Your Committee on Public Health to whom was referred  
Senate Bill No. 149,

A bill for an act to amend Section 7 of Chapter 26 of the Session Laws of 1890, relating to boards of health, being Section 198 of Compiled Laws of 1887,

Have had the same under consideration and recommend that the same do pass.

S. B. BRYNJOLFSON,  
Chairman.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads to whom was referred  
Senate Bill No. 143,

A bill for an act relating to the liability of railroad corporations to employes for personal injuries,

Have had the same under consideration and recommend that the same be reported back to the Senate without recommendation.

R. J. JOHNSON,  
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred  
House Bill No. 37,

A bill for an act to provide for submitting the question of increasing the jurisdiction upon county courts,

Have had the same under consideration and recommend that the same be amended as follows:

By striking out the word "upon" where found in the title of said bill and insert in lieu thereof the word "of,"

And when so amended recommend that the same do pass.

Also,

Senate Bill No. 158,

A bill for an act amending Section 8 of Chapter 71 of the Session Laws of the First Legislative Assembly of the State of North Dakota,

And recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved

That the report of the Committee on House Bill No. 37 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads to whom was referred

Senate Bill No. 168,

A bill for an act providing for the assessment for the purpose of taxation of the property of railroad corporations, individuals or associations operating railroads in this State, and the collection of taxes thereon, and to repeal Chapters 134 and 135 of the Laws of 1890,

Have had the same under consideration and recommend that the same do pass.

R. J. JOHNSON,  
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

Senate Bill No. 109,

A bill for an act to amend Section 112 of Chapter 2 of the Justices' Code, being Section 6153 of the Compiled Laws of 1887,

Have had the same under consideration and recommend that the same be amended as follows:

Amend the title to read as follows:

"A bill for an act to amend Section 1, Chapter 82 of the General Laws of 1887."

Also, insert the following amendment at the end of said Section 1:

*"Provided, however, That the fees and costs of the justice for making the transcript, and transferring the cause, hearing or examination to another justice, the expenses and fees of the sheriff or other officer for delivering said tran-*

script to the justice to which said hearing, cause or examination shall be so transferred, shall be paid by the party making the application for such change of venue before the justice before whom said cause, hearing or examination was commenced, shall be compelled to make said transcript or transfer said cause, hearing or examination; *Provided, further*, That in case the party making said application shall fail to pay said charges, costs and fees as afore-said within twenty four hours after said change of venue shall have been granted, then such change of venue shall fall, and the justice before whom such cause, hearing or examination was commenced shall proceed to hear, pass upon and determine said cause, hearing or examination the same as though said change of venue had been asked for or granted."

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Cashel moved

That the report of the committee on Senate Bill No. 109 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred  
Senate Bill No. 47,

A bill for an act to establish a standard of weights and measures for the State of North Dakota, and providing penalties for the violation thereof,

Have had the same under consideration and recommend that the same be amended as follows:

Amend by striking out the word "of" after the word "Secretary" where it appears in line 2 of Section 1, wherein a repetition of the same occurs in the original bill.

Amend Section 3, line 7 of the original bill by striking out the word "January" and inserting in lieu thereof the word "July."

Amend Section 8, line 4 of the original bill by striking out all after the word "accordingly." Also, by striking out the comma (,) where it appears after the word "accordingly" in said section and line, and insert in lieu thereof a period (.).

Amend Section 9 by striking out all after the word "bushel" where it appears in line 3, down to and including the word "parties" in line 4 of the original bill.

Amend Section 10 by striking out all after the word "barrel" where it appears in line 2, down to and including the word "parties" in line 3 of the original bill.

Amend Section 11 by striking out the word "June" where it appears in line 3 after the word "of" and before the word "annually" of original bill, and inserting in lieu thereof the word "September."

Amend by inserting the following as Section 13:

Sec. 13. The county commissioners of each county are hereby authorized to purchase such duplicates of the above enumerated weights and measures as they may deem necessary for the use of their respective counties in carrying out the following provisions of this act, which duplicates shall be paid for by the county and be delivered to the treasurer, who is hereby declared to be the sealer of weights and measures for the county, and may appoint such deputies

as he may consider necessary in different parts of the county, who shall possess the same powers and perform the same duties under this act as the treasurer may; and may furnish such deputies with such duplicates as the county commissioners may be willing to provide for their separate use, or may allow them to use those provided for himself. Each and every such sealer and deputy sealer of weights and measures shall give a bond to the county of not less than double the cost of the duplicates furnished him, conditioned that he will safely keep and care for such duplicates, and in good condition will turn them over to his successor, and upon said bond shall take and subscribe an oath of office of substantially the same form as that administered to other county officers.

And when so amended recommend that the same do pass.

JAMES McCORMICK,  
Chairman.

Mr. Little moved

That the report of the Committee on Senate Bill No. 47 be adopted,

Which motion prevailed, and

The bills were referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred  
Senate Bill No. 166,

A bill for an act entitled "An Act to define and limit the homestead exemption, limiting the value thereof, providing a method of claiming and obtaining the same, regulating the disposition, conveyance and incumbrance thereof, and the disposition, conveyance and reincumbrance of the same in cases of insanity of husband or wife,"

Have had the same under consideration and recommend that the same be amended as follows:

Amend line 3, Section 4 by striking out in said line 3, the words "provided that," and all of line 4 of said Section 4."

Also, strike out emergency clause.

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved

That the report of the Committee on Senate Bill No. 166 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Statistics made the following report:

MR. PRESIDENT:

Your Committee on Statistics to whom was referred  
Senate Bill No. 139,

A bill for an act to provide for the collection and compilation of the statistics of North Dakota,

Have had the same under consideration and recommend that the same do pass.

JOSEPH MILLER,  
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred  
Senate Bill No. 110,

A bill for an act to amend Section 1407 of Article 5 of Political Code, Compiled Laws of 1887, entitled "Fees of register of deeds,"

Have had the same under consideration and recommend that the same be amended as follows:

Amend title to read as follows:

An Act to amend Section 7, Chapter 39, Political Code, as amended by Section 1, Chapter 1, and Section 1, Chapter 76, General Laws of 1881.

Also, strike out lines 1, 2 and 3, of Section 1 of said bill and insert in lieu thereof the following:

That Section 7, Chapter 39, Political Code, as amended by Section 1, Chapter 1, and Section 1, Chapter 76 of the General Laws of 1881, be amended so as to read as follows:

Also, amend line 4 of said Section 1, by inserting after the word "deeds" in said line 4 the following: "of any county containing 12,000 inhabitants or over."

Also, in line 16, strike out the word "fifteen" and insert in lieu thereof the word "twenty-five."

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Cashel moved

That the report of the committee on Senate Bill No. 110 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred  
Senate Bill No. 6,

A bill for an act to provide for the collection, arrangement and display of the products of the State of North Dakota at the World's Columbian Exposition of 1893, and to make an appropriation therefor,

Have had the same under consideration and recommend that the same be amended as follows:

Amend the title by striking out all after the figures "1893."

Amend Section 1, line 5, of printed bill, by striking out the word "three" and inserting the word "five" instead.



Amend Section 2, line 2 of the printed bill, by inserting the word "thirty" in place of the word "sixty."

Amend same Section, line 3, by inserting the word "time" in place of the word "times."

Amend Section 2, line 4 of printed bill, by inserting the word "and" after the word "president" instead of the word "a," and to further amend said Section by striking out all after the word "secretary," in line 4, down to and including the words "his duties" in line 7, and by inserting the word "five" in line 7 in place of the word "two."

Amend Section 4, line 3, by striking out all after the word "monthly" down to the word "and" in line 4.

Amend Section 5 by inserting in line 7, after the word "board" the words "except actual traveling expenses necessary to attend said board meetings."

And to further amend said bill by striking out Section 8 and by inserting the following as Section 8:

Sec. 8. All money or moneys collected by or donated to the board of World's fair managers of North Dakota shall be covered into the State Treasury and be paid out in the manner as money appropriated by the State for that purpose.

And when so amended recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Arnold moved

That the report of the Committee on Senate Bill No. 6 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

#### REPORTS OF SPECIAL COMMITTEES.

The committee to revise and correct the Journal made the following report:

MR. PRESIDENT:

Your committee appointed to revise the Journal of the thirty-ninth day have examined the same and find it correct.

JOHN E. HAGGART,  
Chairman.

Mr. Kinter moved

That the report of the Special Committee be adopted,

Which motion prevailed.

The committee to examine and correct the Journal made the following report:

MR. PRESIDENT:

Your committee to whom was referred the Journal of February 16th have examined the same and find it correct.

C. B. LITTLE,  
Chairman.

Mr. Worst moved

That the report be adopted.

Mr. LaMoure moved  
That the Journal of February 16th be re-referred to the committee,  
Which motion prevailed.

## SPECIAL ORDERS.

The hour having arrived for the consideration of special orders,  
Senate Bill No. 21,  
A bill for an act to require county treasurers to deposit county funds in designated depositories, and providing for interest thereon,

Was placed upon its third reading.

Mr. LaMoure asked that the bill be considered section by section.

Mr. Johnson of Ward moved to

Amend Section 1, line 3, by striking out after the word "dollars" in said line the words "then all the funds," and insert in lieu thereof the words "the balance of all moneys."

Amend line 18 by striking out all after the word "draft," down to and including the word "commissioners" in line 19.

Also, in line 19, after the word "chairman," and before the word "attested," strike out the word "thereof," and insert in lieu thereof the words "of the board of county commissioners."

Also, amend line 18 by inserting after the word "only," and before the word "on," the words "by the county treasurer."

Also, amend line 20 by striking out all after the word "auditor."

Which amendment was adopted.

Mr. Cashel moved

To amend line 8 of Section 1 by striking out the word "shall" and inserting the word "may" in lieu thereof,

Which amendment was adopted.

Mr. Kinter offered the following amendment:

In Section 1, line 1, strike out the words "the funds of" and insert the words "a sinking fund."

In line 2 strike out the word "exceed" and insert the words "amount to."

In line 3, after the word "dollars," add the words "or more"; in same line strike out the words "the funds" and insert the words "such fund."

And wherever the word "funds" appears in said bill strike out the letter "s" so that it reads "fund."

Roll call demanded.

The roll being called there were ayes 14, nays 14.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Bisbee,  
Cashel,  
Fuller,

Messrs—

Haggart,  
Kinter,  
LaMoure,  
Little,  
Lowry,

Messrs—

McCormack of G Fks,  
McGillivray,  
Miller,  
Worst.

Those who voted in the negative were:

Messrs—

Almen,  
Bjorgo,  
Brynjolfson,  
Enger,  
Ink,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
McCormick, Ramsey,  
Nelson,  
Palmer,

Messrs—

Pinkham,  
Svennungsen,  
Svensrud,  
Weiser.

Absent and not voting:

Messrs—

Engle,

Messrs—

Kuhn,

Messrs—

Patch.

Mr. Kuhn being excused.

So the amendment was lost.

Mr. Kinter moved

That the vote on the amendment to Senate Bill No. 21 be reconsidered.

Mr. Almen moved

That the motion to reconsider be laid upon the table,

Which motion was lost.

The question, recurring upon the motion to reconsider the vote by which the amendment was lost,

The motion was lost.

Mr. Cashel offered the following amendment:

Strike out all in line 5, Section 1, following the word "within" and insert the words "said county."

Which amendment was lost.

Mr. Nelson moved

To amend line 4, Section 1, by striking out the word "or" after the word "national" and inserting after the word "state" the words "or private."

Mr. Ink moved

That Senate Bill No. 21 be made a special order for next Tuesday at 2:30 o'clock p. m.,

Which motion was lost.

The question recurring upon the adoption of the amendment offered by Mr. Nelson,

The motion prevailed.

Mr. Little moved

To adopt Section 1 as amended,

Which motion prevailed.

Section 2 was read.

Mr. Kinter moved

To amend lines 3 and 8 of Section 2 by striking out the word "shall" and inserting the word "may" in lieu thereof,

Which motion was lost.

Mr. McCormick of Ramsey moved

That Section 2 be adopted as read,

Which motion prevailed.

Mr. Johnson of Ward moved  
To amend Section 3, line 4, by striking out after the word "free-holders" and before the word "as" the words "of said county,"

Which motion prevailed.

Mr. Johnson of Ward moved  
That Section 3 be adopted as amended, ,  
Which motion prevailed.

Section 4 was read.

Mr. McCormick of Ramsey moved  
That Section 4 be adopted,  
Which motion prevailed.

Section 5 was read.

Mr. Pinkham moved  
That Section 5 be adopted,  
Which motion prevailed.

Section 6 was read.

Mr. Pinkham moved  
That Section 6 be adopted,  
Which motion prevailed.

Mr. McCormick of Ramsey moved  
That the vote by which Section 1 was adopted be reconsidered,  
Which motion prevailed.

Mr. Pinkham moved  
To reconsider the vote by which the word "shall" was stricken out and the word "may" was substituted.

Mr. LaMoure raised the point of order that as there was no record of the *viva voce* vote, there was no record by which to determine whether the member who moved to reconsider had voted in the affirmative.

The Chair ruled the point of order well taken.

Mr. Little moved  
To amend line 2, Section 1, after the word "State," by inserting the words "having a population in excess of 7,000 people."

Roll call demanded.

The roll being called there were ayes 8, nays 22.

Those who voted in the affirmative were:

Messrs—

Bisbee,  
Engle,  
Haggart,

Messrs—

Kinter,  
Little,  
Lowry,

Messrs—

McGillivray,  
Worst.

Those who voted in the negative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Enger,  
Fuller,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
LaMoure,  
McCormack, G. F'ks,  
McCormick, Ramsey,  
Miller,

Messrs—

Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svenningsen,  
Svensrud,  
Weiser.

Mr. Kuhn being absent and excused.

So the amendment was lost.

Mr. Cashel moved

To amend line 3 of Section 1 by striking out the word "shall," and inserting the word "may" in lieu thereof,  
Which motion prevailed.

Mr. Worst moved

To amend by adding at the close of Section 1. "*Provided, however,* That no county treasurer, nor his bondsmen shall be held liable for any of said funds that may be lost while in transit to or from such designated depository,  
Which motion was lost.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, {  
February 18, 1891. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 136,

A bill for an act appropriating money for the maintenance of the public officers of the State,

Which the House has passed and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

Mr. Arnold moved

To amend Section 1 by striking out the words "state or private" and inserting the words "or other" in lieu thereof,  
Which motion prevailed.

Mr. Svensrud moved

That Section 1 be adopted as amended.

Mr. McCormick of Ramsey moved

That Senate Bill No. 21 be referred to the Committee on Engrossed and Enrolled Bills with instructions to report at 2:30 o'clock p. m. to-morrow, at which time it shall be a special order,  
Which motion prevailed.

Mr. Little raised the point of order that as the hour had passed

for the consideration of Senate Bill No. 105 it would have to go into general orders.

The Chair ruled the point of order well taken.

A recess of ten minutes was taken.

The Senate re-assembled.

Mr. Little moved

That the rules be suspended and that House Bill No. 97 and Senate Bills No. 111, 43, 148 and 27, be read the third time and placed upon their final passage,

Which motion prevailed.

Mr. Svensrud moved

That Senate Bill No. 105 be made a special order for 5 o'clock p. m. to-day,

Which motion prevailed.

House Bill No. 97,

A bill for an act empowering and authorizing the Governor of the State of North Dakota to furnish arms and equipments to all Grand Army posts in good standing in the State of North Dakota,

Was read the third time.

Senate Bill No. 111,

A bill for an act to provide for the establishment of election precincts,

Was read the third time.

The roll was called upon the final passage of the bill.

The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,

Messrs—

Haggart,  
Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Little,  
Lowry,  
McCormack, G. Forks  
McGillivray,

Messrs—

Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungaen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Kuhn,

Messrs—

LaMoure,

Messrs—

McCormick, Ramsey.

Mr. Kuhn being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

To amend House Bill No. 97 in Section 2 by adding:

Whereas, an emergency exists, in that it is necessary that said arms and equipments should be furnished long prior to July 1, 1891; therefore, this act shall be in force from and after its passage and approval.

Which motion prevailed.

The roll was called upon the final passage of the House Bill No. 97 as amended.

The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,

Messrs—

Haggart,  
Ink,  
Johnson of Ward,  
Kinter,  
Little,  
Lowry,  
McCormack of G F<sup>ks</sup>,  
McCormick, Ramsey,  
McGillivray,

Messrs—

Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Johnson of Traill,

Messrs—

Kuhn,

Messrs—

LaMoure.

Mr. Kuhn being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 148,

A bill for an act to encourage the construction of artesian wells and defining the rights and liabilities of persons, corporations and companies constructing said wells for the purpose of power, and for the purpose of irrigating agricultural lands,

Was read the third time.

The roll was called upon the final passage of the bill.

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,

Messrs—

Fuller,  
Ink,  
Johnson of Ward,  
Kinter,  
Lowry,  
McCormack, G F<sup>ks</sup>,  
McCormick, Ramsey,  
McGillivray,  
Miller,

Messrs—

Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Haggart,  
Johnson of Traill,

Messrs—

Kuhn,  
LaMoure,

Messrs—

Little.

Mr. Kuhn being excused.

So the bill passed and the title was agreed to.

Mr. Cashel moved

That the Senate do now proceed to consider Senate Bill No. 43.

Mr. Nelson moved

To amend by making Senate Bill No. 43 a special order for next Tuesday at 3 o'clock p. m.,

Which motion prevailed.

The question recurring upon the motion as amended.

The motion prevailed.

Senate Bill No. 163,

A bill for an act to amend Section 18 of Chapter 152 entitled "An Act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein," approved February 14, 1890,

Was read the third time.

The roll was called on the final passage of the bill.

The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,

Messrs—

Fuller,  
Haggart,  
Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Little,  
Lowry,  
McCormick, Ramsey,

Messrs—

Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Kuhn,  
LaMoure,

Messrs—

McCormack, G. F'rks,

Messrs—

McGillivray.

Mr. Kuhn being excused.

So the bill passed, and the title was agreed to.

#### SPECIAL ORDERS.

The hour having arrived for the consideration of Special Orders Senate Bill No. 105,

A bill for an act to amend Section 1. Chapter 50, Laws of 1890, entitled "County Courts,"

Was read the third time.

Mr. Haggart moved to amend line 16, Section 1 as follows:

Amend by inserting after the words "provided, always" the words "that the judge of the county court in all counties having a population of 19,000 or more inhabitants shall be allowed and paid the sum of \$2,000 per annum; and if additional civil and criminal jurisdiction has been or shall be conferred upon the county court in such counties, then for such additional services there shall be allowed and paid the additional sum of \$400.

Mr. Worst moved

That the amendment be adopted.

Mr. McCormack of Grand Forks moved

To amend the amendment by striking out the figures "\$2,000" and inserting the figures "\$1,500" in lieu thereof.



Mr. Arnold moved the following as a substitute to the amendment:

Amend line 16, Section 1, by inserting after the words "provided always" the words "that the judge of the county court in all counties having a population of according to the census of 1890 shall be allowed and paid a sum of \$2,000 per annum, and if additional civil and criminal jurisdiction has been, or shall be, conferred upon the county court in such counties, then for such additional services there shall be allowed and paid the additional sum of \$400."

Which substitute prevailed.

Mr. Svensrud moved to

Amend Section 1, line 28, by inserting after the word "dollars" the words and figures "for the next 1,000 inhabitants or fraction thereof the sum of \$100."

Which motion prevailed.

Mr. Arnold offered the following amendment at the close of Section 1:

*Provided, always,* That in counties having a population less than 19,000 inhabitants according to the census of 1890 the salary of county judge in any county shall not exceed \$1,500 per annum.

Mr. Worst moved

That the amendment be adopted,

Which motion prevailed.

The roll was called upon the final passage of the bill as amended.

The roll being called there were ayes 23, nays 6.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bisbee,  
Cashel,  
Engle,  
Fuller,  
Haggart,  
Ink,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Little,  
Lowry,  
McCormick, Ramsey,  
McGillivray,  
Miller,

Messrs—

Nelson,  
Patch,  
Pinkham,  
Svennungesen,  
Svensrud,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—

Bidlake,  
Bjorgo,

Messrs—

Brynjolfson,  
Enger,

Messrs—

McCormack of G.F.'s,  
Palmer.

Messrs. Kuhn and LaMoure being absent and not voting.

Mr. Kuhn being excused.

So the bill passed, and the title was agreed to.

Mr. Haggart moved

That the vote by which Senate Bill No. 105 was passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. McCormick of Ramsey moved

That the rules be suspended and that the Senate take up the ninth order of business,  
Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Arnold introduced—  
Senate Bill No. 170,

A bill for an act repealing Chapter 13 of the Special Laws of 1883, entitled "An act to locate and establish a Territorial Normal School."

Mr. Bisbee introduced—  
Senate Bill No. 171,

A bill for an act limiting the right to mortgage a growing crop.

Mr. Worst introduced—  
Senate Bill No. 172,

A bill for an act to amend Section 2, Chapter 161 of Session Laws of 1890, entitled "An act to create an institute for the education of the deaf and dumb of North Dakota, and providing for its support and management.

Joint Committee on Sheep Husbandry introduced—  
Senate Bill No. 173,

A bill for an act to provide for the appointment of sheep inspectors and to provide for the supervision of sheep in case of infection.

Mr. Pinkham introduced—  
Senate Bill No. 175,

A bill for an an act to prevent trespass and the spread of noxious weeds.

Mr. Cashel introduced—  
Senate Bill No. 174,

A bill for an act to amend the law enacted by the First Legislative Assembly of North Dakota, being Chapter 27 of the Laws of 1890, entitled "Steam Boiler Inspection."

Mr. Almen introduced—  
Senate Bill No. 176,

A bill for an act defining and providing for the punishment of the crime of adultery.

Mr. Svensrud moved  
That the Senate do now adjourn,  
Which motion was lost.

Mr. Arnold moved  
That the rules be suspended and that Senate Bill No. 6 be read the third time and placed upon its final passage,  
Which motion was lost.

The Chair announced the appointment of Frank Cornell as clerk to the committees on Stock, Insurance and Railroads.

Mr. Pinkham moved

That the rules be suspended, and that all Senate bills now on the Secretary's desk be read the first and second times and referred to their proper committees,

Which motion was lost.

Mr. Ink moved

That the Senate do now adjourn.

Roll call demanded.

Mr. Arnold moved

That when the Senate does adjourn it adjourn until 7:30 o'clock p. m.,

Which motion was lost.

The roll was called upon the motion to adjourn.

The roll being called there were ayes 17, nays 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Ink,	Miller,
Bjorgo,	Johnson of Traill,	Palmer,
Brynjolfson,	Johnson of Ward,	Svennungsen,
Engle,	Kinter,	Weiser,
Fuller,	Little,	Worst.
Haggart,	Lowry,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Almen,	Enger,	Patch,
Arnold,	McCormack, G. F'ks,	Pinkham,
Bisbee,	McCormick, Ramsey,	Svensrud.
Cashel,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Kuhn,	McGillivray,	Nelson.
LaMoure,		

Mr. Kuhn being excused.

So the motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

FORTY-FIFTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 19, 1891.

The Senate met pursuant to adjournment at 2:00 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Almen, Bjorgo and Kuhn, who were excused.

Mr. Little moved

That the reading of the Journal be dispensed with and that a committee be appointed to correct the same,

Which motion prevailed.

The President appointed as such committee Messrs. Cashel and Svensrud.

PETITIONS AND COMMUNICATIONS.

Mr. Lowry presented the following petitions:

*To the Honorable, the Senate and House of Representatives of the State of North Dakota:*

We, the undersigned, citizens and taxpayers of the county of Cass respectfully petition your honorable body to so change the present law that we may pay all our taxes direct to township treasurers.

And your petitioners will ever pray.

JAMES BEATTIE,  
and 18 others.

Also, a similar petition signed by Robt. C. Hanna and 31 others.

Also, a similar petition signed by W. J. Hawk and 111 others.

Also, a similar petition signed by Geo. W. Marsh and 79 others.

The petitions were referred to the Committee on Judiciary.

REPORTS OF STANDING COMMITTEES.

The Committee on Banking made the following report:

MR. PRESIDENT:

Your Committee on Banking to whom was referred

Substitute for House Bill No. 58,  
A bill for an act for the protection of bank depositors,  
Have had the same under consideration and recommend that  
the same be amended as follows:

Amend by inserting in line 2 of said bill after the word "liquidation" the words "except when solvent."

And when so amended recommend that the same do pass.

Also,

Senate Bill No. 153,

A bill for an act providing for the execution of bonds and undertakings by general guaranty companies,

And recommend that the same be amended as follows:

Amend line 9 of Section 2 by striking out the figures "3.50" where they appear in said line 9, and inserting in lieu thereof the figures "2.00."

Also, in line 23 of said Section 2 insert after the word "hereafter," the word "may."

And when so amended recommend that the same do pass.

J. L. CASHEL,  
Chairman.

Mr. Cashel moved

That the report of the committee on Substitute for House Bill No. 58 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

Mr. Haggart moved

That the report of the committee on Senate Bill No. 153 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Public Health made the following report:

MR. PRESIDENT:

Your Committee on Public Health to whom was referred  
House Bill No. 104,

A bill for an act amending Chapter 93 of the Laws of the State of North Dakota for the year A. D. 1890, being an act to regulate the practice of medicine in the State of North Dakota; to license physicians, surgeons, obstetricians, and to punish persons violating the provisions thereof,

Have had the same under consideration and recommend that the same be amended as follows:

In line 15, Section 3, strike out the words "twenty-five" and insert the word "twenty" in lieu thereof.

In lines 19 and 20, Section 8, strike out the words and figures "one hundred and eighty-seven (187)" and insert the words and figures "fifty (50)" in lieu thereof.

In line 21 after the word "for" strike out the words "furniture and."  
In line 22 strike out all after the word "examiner's" down to and including the word "board" in line 25.

And when so amended recommend that the same do pass.

S. B. BRYNJOLFSON,  
Chairman.

Mr. Little moved

That the report of the committee on House Bill No. 104 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Public Health made the following report:

MR. PRESIDENT:

Your Committee on Public Health to whom was referred

Senate Bill No. 103,

A bill for an act to amend Section 3 of Chapter 93 of the Laws of 1890, relating to the practice of medicine in the State of North Dakota,

Have had the same under consideration and recommend that the same do not pass for the reason that the subject matter therein is fully covered by House Bill No. 104.

Also,

Senate Bill No. 79,

A bill for an act amending Chapter 93 of the Laws of the State of North Dakota for the year 1890, being an act to regulate the practice of medicine in the State of North Dakota to license physicians, surgeons and obstetricians and to punish persons violating the provisions thereof,

And recommend that the same do not pass for the reason that the subject matter therein is fully covered by House Bill No. 104.

S. B. BRYNJOLFSON,  
Chairman.

The Committee on Stock made the following report:

MR. PRESIDENT:

Your Committee on Stock to whom was referred

Senate Bill No. 157,

A bill for an act to prevent the spread of contagious and infectious diseases among domestic animals,

Have had the same under consideration and recommend that the same do pass.

JAMES JOHNSON,  
Chairman.

Mr. Little was called to the Chair.

#### REPORTS OF SPECIAL COMMITTEES.

The committee appointed to revise the Journal of the 16th inst. reported as follows:

MR. PRESIDENT:

Your committee to whom was referred the Journal of February 16, 1891, have examined the same and recommend the following corrections:

On page — the words should appear "as an amendment to the substitute that the Journal be read and disposed of at once."

On page 2 insert after the words "so the amendment was adopted" the words "the question recurring upon the substitute as amended the substitute motion prevailed."

And as so corrected recommend that the Journal be approved.

C. B. LITTLE,  
Chairman.

Mr. McCormack of Grand Forks moved

That the report of the committee be amended so as to contain the words, "that the Journal be read and disposed of at this time."

Which motion prevailed, and

The report of the committee was adopted as corrected.

The Special Joint Committee on Election Bills made the following report:

MR. PRESIDENT:

Your Special Joint Committee on Election Bills have had under consideration Senate Bills Nos. 4, 5, 8, 14, 15 and House Bill No. 2. and beg leave to report the accompanying bill as a substitute for said bills:

Senate Bill No. 178,

A bill for an act providing for printing and distributing ballots at public expense, and to regulate voting at all general elections, except municipal, town or school district.

H. F. ARNOLD,  
Chairman.

Mr. Kinter moved

That the report of the committee be adopted,

Which motion prevailed.

The Senate returned to the eighth order of business.

Mr. Patch presented the following Concurrent Resolution:

#### CONCURRENT RESOLUTION.

For a Memorial to the President of the United States.

*Be it Resolved by the Legislative Assembly of the State of North Dakota:*

WHEREAS, It appears from the judgment of the Supreme Court of the United States, in the case of Wisconsin Central Railroad Company against Price County, and from the decision of the Supreme Court of this State, in the case of Jackson against LaMoure County, that the lands in this State, selected by the Northern Pacific Railroad Company for indemnity, lying more than forty, and not more than fifty, miles from the main line of said railroad company, cannot be taxed until such selections have been approved by the honorable Secretary of the Interior, which approval has not been given; and

WHEREAS, This Legislative Assembly is informed that said company have selected for such indemnity about two thousand sections of land lying in this State east of the Missouri river, and that the right of said company to said lands is not disputed; and

WHEREAS, By such delay in approval about two thousand square miles of land, much of it improved and all of it valuable, has been and is exempted from taxation; by which delay and exemption there is lost to this State and to the political subdivisions thereof in revenue yearly, not less than \$90,000, and

WHEREAS, The present value of such lands is almost wholly the result of the labors of the pioneer settlers of this State in organizing and maintaining by taxation and otherwise, civil government; and it is but just that the owners of such lands should share the burdens as well as the benefits of government; therefore be it

*Resolved*, That the President of the United States be and he is hereby respectfully petitioned to cause such action to be speedily taken by the honorable Secretary of the Interior as will render said lands subject to taxation in this present year.

*Resolved*, That a copy of this resolution, attested by the Secretary of the Senate and the Chief Clerk of the House of Representatives be forwarded by the President of the Senate to Hon. Lyman R. Casey or to Hon. Gilbert A. Pierce with instructions to present the same to the President of the United States.

Mr. McCormack of Grand Forks moved

To amend the resolution so that it shall read to be transmitted by the Secretary of State, instead of by the President of the Senate,

Which motion prevailed.

Mr. Patch moved

To adopt the resolution,

Which motion prevailed.

#### CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Kinter moved

That the Senate concur in the House Concurrent Resolution memorializing Congress to appropriate money for irrigation purposes,

Which motion prevailed.

Mr. Miller moved

That the Senate concur in the House amendments to Senate Bill No. 24,

Which motion prevailed.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Bisbee,  
Brynjolfson,  
Cashel,  
Enger,  
Fuller,  
Haggart,  
Ink,

Messrs—

Johnson, of Traill,  
Johnson, of Ward,  
Kinter,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F's.  
McCormick, Ramsey,  
McGilvray

Messrs—

Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svenningsen,  
Svensrud,  
Weiser,  
Worst.



Absent and not voting:

Messrs—

Almen,  
Bjorgo,

Messrs—

Engle,

Messrs—

Kuhn.

Messrs. Almen, Bjorgo, Engle and Kuhn being excused.

So the bill passed and the title was agreed to.

#### SPECIAL ORDERS.

The hour having arrived for the consideration of Special Orders,

Mr. McCormick of Ramsey moved

That Senate Bill No. 21 be made a special order for next Wednesday at 3 o'clock p. m.

Mr. Cashel moved as a substitute

That the Senate do now proceed to consider the bill,

Which motion prevailed.

Senate Bill No. 21,

A bill for an act to require county treasurers to deposit county funds in designated depositories, and providing for interest thereon,

Was read.

Mr. Palmer moved

To amend line 4, Section 2, by striking out the word "shall" and inserting the word "may" in lieu thereof.

Mr. Svensrud moved

That Senate Bill No. 21 be made a special order for next Tuesday at 2:30 o'clock p. m.,

Which motion prevailed.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 19,

A bill for an act for paroling prisoners."

Also,

Senate Bill No. 68,

A bill for an act attaching the county of Church in the second judicial district of the State of North Dakota to the county of McHenry in said judicial district and State for judicial and other purposes.

Also,

Senate Bill No. 76,

A bill for an act attaching and annexing the counties of Ren-ville, Montraille, Flannery, Garfield and Stevens, in the second

judicial district, to the county of Ward, for judicial and other purposes.

Also,

Senate Bill No. 88,

A bill for an act relating to registering of county warrants and duty of county treasurer relating thereto,

And find the same correctly engrossed and enrolled.

R. N. JNK,  
Chairman.

#### FIRST READING OF SENATE BILLS.

Senate Bill No. 170,

A bill for an act repealing Chapter 13 of the Special Laws of 1883, entitled "An act to locate and establish a Territorial Normal School,"

Was read the first time.

Senate Bill No. 171,

A bill for an act limiting the right to mortgage a growing crop,  
Was read the first time.

Senate Bill No. 172,

A bill for an act to amend Section 2, Chapter 161 of Session Laws of 1890, entitled "An act to create an institute for the education of the deaf and dumb of North Dakota, and providing for its support and management,"

Was read the first time.

Senate Bill No. 173,

A bill for an act to provide for the appointment of sheep inspectors and to provide for the supervision of sheep in case of infection.

Was read the first time.

Senate Bill No. 175,

A bill for an act to prevent trespass and the spread of noxious weeds,

Was read the first time.

Senate Bill No. 174,

A bill for an act to amend the law enacted by the First Legislative Assembly of North Dakota, being Chapter 27 of the Laws of 1890, entitled "Steam Boiler Inspection,"

Was read the first time.

Senate Bill No. 176,

A bill for an act defining and providing for the punishment of the crime of adultery,

Was read the first time.

#### MESSAGES FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
February 19, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 97,

A bill for an act providing clerk hire for the various State officers, and making appropriation therefor.

Also,

Senate Bill No. 131,

A bill for an act to provide for the maintenance of the military department of the State of North Dakota.

Also,

Senate Bill No. 146,

A bill for an act accepting the provisions of an act of Congress approved August 30, 1890, and entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and mechanic arts," established under the provisions of an act of Congress approved July 2, 1861, and designating the North Dakota Agricultural College as the sole beneficiary under this act for the State of North Dakota, and naming the treasurer of said college as the recipient of all funds payable from the United States Treasury in accordance with said act of Congress.

Which have passed the House unchanged.

And

Senate Bill No. 45,

A bill for an act to prevent the branding of horses, mules, asses and cattle during certain seasons of the year,

Which has passed the House with the following amendments:

In Section 1, line 3, printed bill, strike out the word "December" and insert the word "November."

Also, in Section 1, line 4, after the word "brand" insert the words "his own stock."

And your concurrence therein is respectfully requested.

Also,

Substitute for House Bill No. 113,

A bill for an act to amend Sections 11 and 13 of Chapter 152 of the Session Laws of 1890, entitled "An act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein, and to repeal Section 12 of the same act."

Also,

Substitute for House Bill No. 135,

A bill for an act to amend an act entitled, "An act to amend Chapter 48 of the Session Laws of 1889 entitled, 'An act to amend Section 103 of Chapter 28 of the Political Code, relating to publication of receipts and disbursements of county treasurers, Chapter 131, Session Laws of 1890.'"

Also,

Substitute for House Bill No. 158,

A bill for an act to amend Section 20 of Chapter 119 of the Laws of 1890.

Also,

House Bill No. 183,

A bill for an act to increase the revenues of the State by changing and increasing the boundaries of the counties of Pierce, McHenry, Bottineau, Ward, McLean, Williams, Billings, Stark, Morton and Mercer, and by repealing the act, entitled "An Act pertaining to the subdivision of the counties of Wallette and Howard, Dakota Territory," approved March 9, 1883,

Which have passed the House, and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

Mr. LaMoure moved

That the rules be suspended, and that all Senate Bills be read the second time and referred to their proper committees,

Which motion prevailed.

Senate Bill No. 176,

A bill for an act defining and providing for the punishment of the crime of adultery,

Was read the second time, and referred to the Committee on Temperance.

Senate Bill No. 175,

A bill for an act to prevent trespass and the spread of noxious weeds,

Was read the second time, and referred to the Committee on Agriculture.

Senate Bill No. 174,

A bill for an act to amend the law enacted by the First Legislative Assembly of North Dakota, being Chapter 27 of the Laws of 1890, entitled "Steam Boiler Inspection,"

Was read the second time, and referred to the Committee on Judiciary.

Senate Bill No. 173,

A bill for an act to provide for the appointment of sheep inspectors, and to provide for the supervision of sheep in case of infection,

Was read the second time, and referred to the Committee on Stock.

Senate Bill No. 172,

A bill for an act to amend Section 2, Chapter 161 of Session Laws of 1890, entitled "An Act to create an institute for the education of the deaf and dumb of North Dakota, and providing for its support and management,"

Was read the second time, and referred to the Committee on Education.

Senate Bill No. 171,

A bill for an act limiting the right to mortgage a growing crop,  
Was read the second time, and referred to the Committee on Judiciary.

Senate Bill No. 170,

A bill for an act repealing Chapter 13 of the Special Laws of 1883, entitled "An Act to locate and establish a Territorial Normal School,"

Was read the second time, and referred to the Committee on Education.

The Senate took a recess of twenty minutes.

Mr. Worst moved

That the Janitor be instructed to request the Sergeant-at-Arms to attend the session of the Senate,

Which motion prevailed.

#### INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. McCormack of Ramsey introduced—

Senate Bill No. 177,

A bill for an act to prevent corrupt practices at elections, and to provide punishments for the same,

Which was read the first and second times, and referred to the Committee on Elections.

The Joint Committee on Elections introduced—

Senate Bill No. 178,

A bill for an act providing for printing and distributing ballots at public expense, and to regulate voting at all general elections, except municipal, town or school elections,

Which was read the first and second times, and referred to the Committee on Privileges and Elections.

Mr. Haggart introduced—

Senate Bill No. 179,

A bill for an act to amend Section 2027 of Title III of Part II of the Civil Code, being Section 4660 of the Compiled Laws,

Which was read the first and second times, and referred to the Committee on Judiciary.

Mr. McCormack of Grand Forks introduced—

Senate Bill No. 180,

A bill for an act to amend Chapter 27 of the Laws of North Dakota of the year 1890, entitled "An act to establish a Board of Boiler Inspectors for steam vessels and steam boilers, and to provide for licensing engineers of steam engines,"

Which was read the first and second times, and referred to the Committee on Judiciary.

Mr. Cashel (by request) introduced—

Senate Bill No. 181,

A Concurrent Resolution to amend Section 158 of the Constitution of the State of North Dakota,

Which was read the first and second times, and referred to the Committee on Judiciary.

THIRD READING OF SENATE BILLS.

Senate Bill No. 6,

A bill for an act to provide for the collection, arrangement and display of the products of the State of North Dakota at the World's Columbian Exposition of 1893, and to make an appropriation therefor,

Was read the third time and placed upon its final passage.

Mr. Johnson of Ward moved

That Senate Bill No. 6 be made a special order for next Thursday at 3 o'clock p. m.

Mr. Nelson presented the following remonstrance:

STRAUBVILLE, SARGENT COUNTY, N. D., January 27, 1891.

*Hon. Magnus Nelson, Bismarck, N. D.:*

DEAR SIR: We, the undersigned committee, who were appointed at a meeting of the Union Farmers' Alliance No. 49, held January 17, to write and submit to you the following remonstrance:

WHEREAS, It has been learned through the public newspapers that there is a movement on foot to try to get the present Legislature of North Dakota to introduce and pass a bill for the State of North Dakota to appropriate \$50,000 for the World's Columbian Exposition, and

WHEREAS It has been unanimously agreed upon by the members of said Farmers' Alliance to remonstrate against the passage of any such bill, and

WHEREAS, That they believe the taxpayers throughout Sargent county would be opposed to any such measure for the reason that taxes are already enormously high, and that owing to poor crops of the past two years there is already much land in the county that has been sold for taxes.

FRED ACBISHER,  
WM. KELLOGG,  
ALLEN SMALLEY,  
Committee.

The remonstrance was referred to the Committee on Appropriations.

The question recurring upon the motion to make Senate Bill No. 6 a special order,

The motion was lost.

Mr. Haggart moved

To amend Section 2, relating to a quorum, by striking out the word "five" and inserting the word "three" in lieu thereof,

Which motion prevailed.

Mr. Cashel announced that he was paired with Mr. Almen on this bill.

Mr. Svensrud moved  
That the pair be allowed,  
Which motion prevailed.  
A recess of five minutes was taken.

Senate reassembled.

The question then recurring upon the final passage of the bill as amended.

The roll being called there were ayes 24, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson of Traill,	Miller,
Bidlake,	Johnson of Ward,	Palmer,
Bisbee,	Kinter,	Patch,
Brynjolfson,	Little,	Pinkham,
Engle,	Lowry,	Svennungesen,
Fuller,	McCormack, G. F'ks.	Svensrud,
Haggart,	McCormick, Ramsey,	Weiser,
Ink,	McGillivray,	Worst.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Almen,	Cashel,	LaMoure.
Bjorgo,	Kuhn,	

Messrs. Enger and Nelson voting in the negative.

Messrs. Bjorgo and Kuhn being excused.

Messrs. Cashel and Almen being paired.

So the bill passed, and the title was agreed to.

Mr. Haggart moved

That the vote by which Senate Bill No. 6 was passed be reconsidered and the motion to reconsider be laid upon the table,  
Which motion prevailed.

Mr. Worst moved

That Senate Bill No. 167 be read the third time and placed upon its final passage,

Which motion prevailed.

Senate Bill No. 167,

A bill for an act for the prevention of prairie fires, and to provide against damage done by them; also prescribing duties of county commissioners in relation thereto,

Was read the third time.

Mr. Worst moved

To amend Section 4, line 6, by striking out the word "ten" and inserting the word "eight" in lieu thereof,

Which motion prevailed.

The question recurring upon the final passage of the bill as amended.

The roll being called there were ayes 22, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson of Ward,	Miller,
Bisbee,	Kinter,	Palmer,
Cashel,	Little,	Patch,
Engle,	Lowry,	Svennungsen,
Enger,	McCormack of G. F <sup>ks</sup>	Svensrud,
Fuller,	McCormick, Ramsey,	Weiser,
Ink,	McGillivray,	Worst.
Johnson of Traill,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Almen,	Brynjoifson,	LaMoure,
Bidlake,	Haggart,	Nelson,
Bjorgo,	Kuhn,	Pinkham.

Messrs. Almen, Bjorgo and Kuhn being excused.

So the bill passed, and the title was agreed to.

Mr. Miller moved

That the vote by which Senate Bill No. 167 was passed be reconsidered, and the motion to reconsider be laid upon the table,  
Which motion prevailed.

#### FIRST AND SECOND READING OF HOUSE BILLS.

Mr. McGillivray moved

That the rules be suspended and that all House bills be read the first and second times, and be referred to their proper committees,

Which motion prevailed.

House Bill No. 183,

A bill for an act to increase the revenues of the State by changing the boundaries of the counties of Pierce, McHenry, Bottineau, Ward, McLean, Williams, Billings, Stark, Morton and Mercer and by repealing an act entitled "An act pertaining to the subdivision of the counties of Walette and Howard, Dakota territory, approved March 9, 1883,

Was read the first and second times, and referred to the Committee on Counties.

House Bill No. 113,

A bill for an act to repeal Chapter 12 of an act, entitled "An Act authorizing counties to issue bonds to procure seed grain for needy farmerf resident therein," Chapter 152 of Laws of 1890,

Was read the first and second times, and referred to the Committee on Judiciary.

Substitute for House Bill No. 135,

A bill for an act to amend Chapter 48 of the Session Laws of 1889, entitled "An act to amend Section 103 of Chapter 28 of the Political Code," relating to publication of receipts and disbursements of county treasurers,



Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 8,

A bill for an act to amend Sections 2 and 3 of Chapter 1 of the Justice Code, an act entitled "An Act to establish a Code of Civil Procedure in courts of justices of the peace and to limit the jurisdiction of the same," approved February 15, 1877.

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 158,

A bill for an act to amend Section 20 of Chapter 119 of the Laws of 1890,

Was read the first and second times, and referred to the Committee on State Affairs.

House Bill No. 179,

A bill for an act for the equitable adjustment and settlement of the delinquent taxes due to the State from the several counties.

Was read the first and second times, and referred to the Committee on Ways and Means.

House Bill No. 34,

A bill for an act to amend Section 3, Chapter 50, acts of the First Legislative Assembly of the State of North Dakota,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 85,

A bill for an act to legalize and validate the State tax levy for the year 1890,

Was read the first and second times, and referred to the Committee on Ways and Means.

House Bill No. 99,

A bill for an act to amend Section 2 of Chapter 120 of the General Laws of 1890, entitled "An act to define what newspapers are entitled to publish legal notices and do public printing," approved March 31, 1890.

Was read the first and second times, and referred to the Committee on Public Printing.

House Bill No. 106,

A Bill for an act to amend Section 6 of an act entitled, "An Act authorizing counties to procure seed grain for needy farmers resident therein," Chapter 152 of the Session Laws of North Dakota, 1890, and to re-enact the same as so amended.

Was read the first and second times, and referred to the Committee on State Affairs.

House Bill No. 114.

A bill for an act locating the Blind Asylum of the State of North Dakota in the county of Pembina and providing for an

election of the electors of said county to determine the place in said county in which said institution shall be placed.

Was read the first and second times, and referred to the Committee on State Affairs.

Substitute for House Bill No. 128,

A bill for an act prohibiting the mortgaging of real and personal property in the same mortgage instrument.

Was read the first and second times, and referred to the Committee on Judiciary.

Substitute for House Bill No. 134,

A bill for an act to amend an act providing for a system of accounts for the State Auditor and State Treasurer,

Was read the first and second times, and referred to the Committee on State Affairs.

House Bill No. 136,

A bill for an act appropriating money for the maintenance of the public officers of the State,

Was read the first and second times, and referred to the Committee on Appropriations.

House Bill No. 137,

A Joint Resolution and Memorial to the President of the United States, the Secretary of the War Department, the Secretary of the Interior, and both branches of the National Congress, at Washington, D. C., asking that the provisions of the act of Congress of the United States, entitled "An Act to provide for the disposal of abandoned and useless military reservations," approved July 5, 1884, be extended to include all actual and bona fide settlers on the Fort Rice Military Reservation in North Dakota (recently opened to settlement) who were such actual and bona fide settlers on such reservation prior to the date and approval of said act of Congress,

Was read the first and second times, and referred to the Committee on Federal Relations.

House Bill No. 162,

A bill for an act to amend Section 3 of Chapter 1 of the Justices Code an act entitled "An act to establish a Code of Procedure in courts of justices of the peace and to limit the jurisdiction of the same,"

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 166,

A Joint Memorial of the Senate and House of Representatives of the State of North Dakota to the Senate and House of Representatives of the United States, asking that the United States military wood reservation, on Rock Island (now a peninsula) Ramsey county, North Dakota, be donated to the State of North Dakota for the benefit and use of the militia of said State, to be used for encampment grounds and for other purposes,

Was read the first and second times, and referred to the Committee on Federal Relations.

The Senate returned to the sixth order of business.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred  
House Bill No. 183,

A bill for an act to increase the revenues of the State by changing and increasing the boundaries of the counties of Pierce, McHenry, Bottineau, Ward, McLean, Williams, Billings, Stark, Morton and Mercer, and by repealing an act entitled, "An Act pertaining to the subdivision of the counties of Walleette and Howard, Dakota Territory, approved March 9, 1883,"

Have had the same under consideration and recommend that the same do pass.

JAMES JOHNSON,  
Chairman.

Mr. McGillivray moved

That the rules be suspended and that House Bill No. 25 be read the third time and placed upon its final passage,

Which motion prevailed.

House Bill No. 25,

A bill for an act to encourage the development of the coal mines of the State, and to determine the kind of coal that shall be used as fuel in the various State Institutions,

Was read the third time.

Mr. McGillivray moved

That the report of the committee be adopted,

Which motion prevailed.

The Senate returned to the sixth order of business.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred  
Senate Bill No. 172,

A bill for an act to amend Section 2, Chapter 161, of the Session Laws of 1890, entitled "An act to create an institute for the education of the deaf and dumb of North Dakota, and providing for its support and management,

Have had the same under consideration and recommend that the same do pass.

J. H. WORST,  
Chairman.

Mr. McGillivray moved

That House Bill No. 25 be recommitted for correction,

Which motion prevailed.

Mr. Kinter moved

That the rules be suspended, and that House Bill No. 21 be given its third reading and placed upon its final passage,

Which motion prevailed.

Substitute for House Bill No. 21,

A bill for an act to amend Section 5 of an act entitled "An act requiring railroad companies to build and keep in repair, highway crossings, Chapter 127, Session Laws of 1890,"

Was read the third time.

Mr. Bidlake moved

That the bill be recommitted,

Which motion prevailed.

Mr. Ink moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,  
Secretary

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#### FORTY-SIXTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 20, 1891.

The Senate met pursuant to adjournment at 2:00 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

Mr. Ink moved

That the courtesies of the floor be extended to Messrs. B. L. Bogart and S. H. Snyder of Wahpeton,

Which motion prevailed.

All members present except Messrs. Almen, Bjorgo and Sven-nugsen who were excused.

Mr. Worst moved

That the reading of the Journal be dispensed with and that a committee be appointed to correct the same,

Which motion prevailed.

The President appointed as such committee Messrs. Patch and Arnold.

The President announced his signature to

Senate Bill No. 19,

A bill for an act for paroling prisoners.

Also,

Senate Bill No. 68,

A bill for an act attaching the county of Church, in the Second

judicial district of the State of North Dakota, to the county of McHenry, in said judicial district and State, for judicial and other purposes.

Also,

Senate Bill No. 76,

A bill for an act attaching the counties of Renville, Montrailie, Flannery, Buford, Garfield and Stevens to the county of Ward for judicial and other purposes.

Also,

Senate Bill No. 88,

A bill for an act relating to registering county warrants and duty of the county treasurer relating thereto.

Also,

A Joint Resolution and Memorial to the Legislature of the State of Minnesota.

Also,

A Joint Resolution and Memorial to the Legislature of the State of Minnesota.

Also,

A Joint Memorial to the honorable the Congress of the United States.

Mr. Bidlake moved

That the rules be suspended and the Senate concur in the House amendments to Senate Bill No. 131,

Which motion prevailed.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Bisbee,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,  
Haggart,  
Ink,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack of G F's  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Almen,

Messrs—

Bjorgo,

Messrs—

Svennungsen.

Messrs. Almen, Bjorgo and Svennungsen being excused.

So the bill passed and the title was agreed to.

#### PETITIONS AND COMMUNICATIONS.

Mr. Engle presented the following petition:

At a regular meeting of the Aliceton Farmers' Alliance of Ransom county, North Dakota, held February 5, 1891. The following resolutions were unanimously adopted:

WHEREAS, It appears from authentic reports that the plant known as the Russian thistle or cactus is rapidly spreading throughout this State; and

WHEREAS, We recognize in this plant one of the most formidable enemies of agriculture; therefore, be it

*Resolved*, That we petition the Legislature of North Dakota, now in session to take such action as it deems best to check its further advance, and lead ultimately to its extermination.

*Resolved*, That a copy of the foregoing resolution be sent to each of the members of the Legislature from this county.

J. M. BARRY,  
Secretary.

B. B. STEVENS,  
President.

The petition was referred to the Committee on Agriculture.

Mr. McCormack of Grand Forks presented the following communication.

GRAND FORKS, N. D., February 19, 1891.

*Hon. M. L. McCormack, Bismarck:*

DEAR SIR: The enclosed resolutions were unanimously adopted at a meeting of the Grand Forks Fire department, February 18th.

Yours,

J. B. WINEMAN,  
President Grand Forks Fire Dept.

WHEREAS, The volunteer firemen of the State of North Dakota are always ready to respond to the call of duty and at the first alarm rush to the scene of conflagration, alike in sunshine and in storm, in heat and cold, by day and by night, to rescue from the devouring flames the property and lives of their fellow-citizens; and,

WHEREAS, They do this without reward or hope of reward save in the consciousness of doing good; and,

WHEREAS, They daily risk their lives and limbs in the discharge of their duties, and deeming them entitled to some consideration and encouragement; therefore, be it

*Resolved*, That we, the volunteer firemen of Grand Forks City, in convention assembled, respectfully request and urge our representatives in the Legislature to use all honorable means in their power to secure the passage of Senate Bill No. 113 and House Bill No. 182, and that a copy of these resolutions be transmitted to our representatives at Bismarck.

The petition was referred to the committee on Appropriations.

The President announced his signature to  
Senate Bill No. 97,

A bill for an act providing clerk hire for the various State officers, and making appropriations therefor.

Also,

Senate Bill No. 131,

A bill for an act to provide for the maintenance of the military department of the State of North Dakota.

Mr. Pinkham presented the following petition:

We, the undersigned members of Wahpeton Lodge A. O. U. W., hereby petition our Representatives in Legislature to oppose House bill No. 65. As we understand it, this bill would be injurious to beneficiaries.

A. A. ANDREWS,  
and 21 others.

The petition was referred to the Committee on Insurance.

REPORTS OF STANDING COMMITTEES.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred  
House Bill No. 136,

A bill for an act appropriating money for the maintenance of  
the public offices of the State,

Have had the same under consideration and recommend that  
the same do pass.

JOHN E. HAGGART,  
Chairman.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 131,

A bill for an act to provide for the maintenance of the military  
department of the State of North Dakota.

Also,

Senate Bill No. 97,

A bill for an act providing clerk hire for the various State officers,  
and making appropriations therefor,

And find the same correctly engrossed and enrolled.

R. N. INK.  
Chairman.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred

House Bill No. 106,

A bill for an act to amend Section 6 of an act entitled "An act  
authorizing counties to procure seed grain for needy farmers resident  
therein," Chapter 152 of the Session Laws of North Dakota,  
1890, to re-enact the same as so amended,

Have had the same under consideration and recommend that  
the same do pass.

Also,

House Bill No. 114,

A bill for an act providing for the location of a blind asylum in  
the county of Pembina, State of North Dakota, at such place in  
the county of Pembina as the qualified electors of said county  
may determine at an election to be held as prescribed by the Legislative  
Assembly of the State of North Dakota, with a grant of

land as provided in Section 216, Article 19, of the Constitution of the State of North Dakota,

And recommend that the same do pass.

JAMES McCORMICK,  
Chairman.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred  
Senate Bill No. 130,

A bill for an act to require the register of deeds to number all documents filed in his office for record in consecutive numbers,

Have had the same under consideration and recommend that the same do pass.

JAMES JOHNSON,  
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred  
Senate Bill No. 90,

A bill for an act defining usury, making the taking of usury a misdemeanor, also the assignment or disposition of usurious contracts, and providing a penalty therefor,

Have had the same under consideration and recommend that the same do pass.

Also,  
Senate Bill No. 156,

A bill for an act to prohibit the mortgaging of the homestead and of property absolutely exempt under the laws of this State,

And recommend that the same be indefinitely postponed.

C. B. LITTLE,  
Chairman.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 146,

A bill for an act accepting the provisions of an act of Congress approved August 30, 1890, and entitled "An Act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and mechanic arts," established under the provisions of an act of Congress approved July 2, 1862, and designating the North Dakota Agricultural College as the sole beneficiary under this act for the State of North Dakota, and naming the treasurer of said



college as the recipient of all funds payable from the United States Treasury in accordance with said act of Congress,

And find the same correctly engrossed and enrolled.

R. N. INK,  
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred  
Senate Bill No. 174,

A bill for an act to amend the law enacted by the First Legislative Assembly of North Dakota, being Chapter 27 of the Laws of 1890, entitled "Steam Boiler Inspection."

Have had the same under consideration and recommend that the same be amended as follows:

Amend by striking out after the word "boiler" in line 57 of Section 6, the word "of" and inserting in lieu thereof the word "or."

Also, in line 22, Section 12, strike out the letter "a" in the word "abstracts" and insert in lieu thereof the letter "o."

Also, in the word "abstracted" in said line 22 of Section 12, strike out the letter "a" and insert the letter "o" in lieu thereof.

And when so amended recommend that the same do pass.

Also,

Substitute for House Bill No. 135,

A bill for an act to amend an act entitled "An act to amend Section 103 of Chapter 28 of the Political Code," relating to publication of receipts and disbursements of county treasurers, Chapter 131, Session Laws of 1890,

And recommend that it be amended as follows:

Amend by inserting after the word "treasurer" in the title of said bill the words, "as amended by."

Also, amend Section 1, line 2, by inserting after the word "Code" in said line 2, the words "as amended by Chapter 48 of the Session Laws of 1889, and Chapter 131 of the Session Laws of 1890."

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Cashel moved

That the report of the Committee on Senate Bill No. 174 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

Mr. Cashel moved

That the report of the Committee on Substitute House Bill No. 135 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

## REPORTS OF SPECIAL COMMITTEES.

The Committee to correct the Journal of the 17th made the following report:

**MR. PRESIDENT:**

Your Committee appointed to correct the Journal of Tuesday, February 17, 1891, recommend that the resolution offered by Mr. LaMoure appearing on page 2 of the printed Journal for said day be corrected to read as follows: That,

WHEREAS, A certain resolution was under consideration by the Senate on Saturday, February 14, 1891, and various proceedings were had in the relation thereto, and the said matter not having been fully discussed or considered. Therefore, I move that all in the Journal in relation to said subject matter beginning on page 7 of the printed Journal for said day with the words "Mr. LaMoure moved that the Senate do now proceed to consider, etc.," and including page 8 and page 9 down to the words "a recess of ten minutes was taken" be expunged from the record.

Amend line 1, page 1 by striking out the words "pursuant to adjournment," and insert the figure "2."

And as so corrected recommend that the Journal of said day be approved.

F. M. KINTER,  
Chairman.

Mr. Kinter moved

That the report of the Special Committee be adopted,  
Which motion prevailed.

Mr. McCormick of Ramsey moved

That the Journal of the 17th inst. be approved as reported by the Special Committee,  
Which motion prevailed.

The President announced his signature to  
Senate Bill No. 97,

A bill for an act providing clerk hire for the various State officers, and making appropriations therefor.

Also,

Senate Bill No. 146,

A bill for an act accepting the provisions of an act of Congress approved August 30, 1890, and entitled "An Act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and mechanic arts," established under the provisions of an act of Congress approved July 2, 1862, and designating the North Dakota Agricultural College as the sole beneficiary under this act for the State of North Dakota, and naming the treasurer of said college as the recipient of all funds payable from the United States Treasury in accordance with said act of Congress.

A recess of fifteen minutes was taken.

The Senate reassembled.

The President pro tem. in the Chair.

Mr. Cashel introduced the following resolution:

WHEREAS, The taxpayers of this State find it difficult to meet the actual and necessary expenses required to run the State and the institutions therein, and that there appears from the last report of the Board of Trustees of the University of North Dakota that certain students from other states are in attendance free of tuition; therefore, be it

*Resolved*, That the Committee on Education be and are hereby instructed to enquire into the rules admitting students to said University, and if, in their judgment it becomes necessary, to draft a bill regulating the tuition or admittance thereto.

Mr. Cashel moved  
To adopt the resolution,  
Which motion prevailed.

Mr. Patch asked unanimous consent to reintroduce a concurrent resolution,

Which consent was given.

Mr. Patch introduced the following concurrent resolution:

#### CONCURRENT RESOLUTION.

For a Memorial to the President of the United States.

*Be it Resolved by the Legislative Assembly of the State of North Dakota:*

WHEREAS, It appears from the judgment of the Supreme Court of the United States, in the case of Wisconsin Central Railroad Company against Price County, and from the decision of the Supreme Court of this State, in the case of Jackson against LaMoure County, that the lands in this State, selected by the Northern Pacific Railroad Company for indemnity, lying more than forty, and not more than fifty, miles from the main line of said railroad company, cannot be taxed until such selections have been approved by the honorable Secretary of the Interior, which approval has not been given; and

WHEREAS, This Legislative Assembly is informed that said company have selected for such indemnity about two thousand sections of land lying in this State east of the Missouri river, and that the right of said company to said lands is not disputed; and

WHEREAS, By such delay in approval about two thousand square miles of land, much of it improved and all of it valuable, has been and is exempted from taxation, by which delay and exemption there is lost to this State and to the political subdivisions thereof in revenue yearly, not less than \$90,000, and

WHEREAS, The present value of such lands is almost wholly the result of the labors of the pioneer settlers of this State in organizing and maintaining, by taxation and otherwise, civil government; and it is but just that the owners of such lands should share the burdens as well as the benefits of government; therefore be it

*Resolved*, That the President of the United State be and he is hereby respectfully petitioned to cause such action to be speedily taken by the honorable Secretary of the Interior as will render said lands subject to taxation in this present year.

*Resolved*, That a copy of this resolution, attested by the Secretary of the Senate and the Chief Clerk of the House of Representatives be forwarded by the Secretary of State to Hon. Lyman R. Casey or to Hon. Gilbert A. Pierce with instructions to present the same to the President of the United States.

Mr. Patch moved  
That the resolution be adopted,  
Which motion prevailed.

Mr. Fuller moved a call of the Senate.

The roll was called and no members were found to be absent without being excused.

Mr. LaMoure moved

That further proceedings under call of the Senate be dispensed with,

Which motion prevailed.

Mr. Kinter moved

That resolutions be referred to the Committee on Judiciary with instructions to report next Tuesday,

Which motion prevailed.

Mr. LaMoure moved

That a committee of three be appointed to inquire into the matter of taking the written minutes of the forty-fifth day from the Secretary's desk and to consult the Attorney General as to the result of that act,

Which motion prevailed, and

The Chair announced the appointment of Messrs. LaMoure, McCormick of Ramsey and Cashel as such committee.

Mr. Arnold moved

That the rules be suspended, and that the Journal of the forty-fifth day be read as printed,

Which motion prevailed, and

The Journal of the forty-fifth day was read.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, {  
February 20, 1891. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 176,

A bill for an act to amend Section 2 of Chapter 149, Laws of 1890, "An act prescribing the great seal of the State of North Dakota, and the official seal of all courts and officers of the State who are authorized to use a seal."

Also,

House Bill No. 177,

A bill for an act defining the criminal jurisdiction of county courts.

Also,

House Bill No. 189,

A bill for an act providing for an appropriation to pay the expenses incurred by the Governor of the State during the recent threatened Indian outbreak,

Which the House has passed and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }  
February 20, 1891. }

*To the President of the Senate:*

I have the honor to inform you that I have this day approved Senate Bill No. 131,

An Act to provide for the maintenance of the military department as provided in the Military Code of the State of North Dakota.

Very respectfully,  
ANDREW H. BURKE,  
Governor.

Mr. Little moved

That the Senate do now go into executive session to consider a communication from the Governor,

Which motion prevailed, and

The Senate went into executive session.

After a time spent in executive session the Senate resumed business in open session.

Mr. Worst moved

That when the Senate adjourn it adjourn till 7:30 p. m. this evening,

Which motion prevailed.

The Committee on Federal Relations made the following report:

MR. PRESIDENT:

Your Committee on Federal Relations to whom was referred House Bill No. 137,

A Joint Resolution and Memorial to the President of the United States, the Secretary of the War Department, the Secretary of the Interior and both branches of the National Congress at Washington, D. C., asking that the provisions of the act of Congress of the United States, entitled "An act to provide for the disposal of abandoned and useless military reservations," approved July 5, 1884, be extended to include all actual and bona fide settlers on Fort Rice military reservation in North Dakota (recently opened to settlement) who were such actual and bona fide settlers on such reservation prior to the date and approval of said act of Congress,

Have had the same under consideration and recommend that the same do pass.

Also,

House Bill No. 166,

A Joint Memorial of the Senate and House of Representatives of the State of North Dakota to the Senate and House of Representatives of the United States, asking that the United States military wood reservation, on Rock Island (now a peninsula) Ramsey county, North Dakota, be donated to the State of North Dakota for the benefit and use of the militia of said State to be used for encampment grounds and for other purposes,

And recommend that the same do pass.

M. L. McCORMACK,  
Chairman.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have delivered

Senate Bills Nos. 19, 68, 76, 88, 97 and 146

To the Governor this 20th day of February, 1891, at 3:24 o'clock p. m.

R. N. INK,  
Chairman.

The Special Committee appointed to correct the Journal of the forty-fourth day made the following report:

MR. PRESIDENT:

Your Special Committee to examine and report on the Journal of the forty-fourth day have examined the minutes of said day and recommend that the Journal be approved.

J. L. CASHEL,  
Chairman.

Mr. Worst moved

That the report of the Special Committee be adopted,

Which motion prevailed.

#### THIRD READING OF SENATE BILLS.

Senate Bill No. 172,

A bill for an act to amend Section 2, Chapter 161 of Session Laws of 1890, entitled "An act to create an institute for the education of the deaf and dumb of North Dakota, and providing for its support and management."

Was read the third time.

House Bill No. 25,

A bill for an act to encourage the development of the coal mines of the State, and to determine the kind of coal that shall be used as fuel in the various State institutions,

Was read.

Mr. LaMoure moved  
 To adopt the report of the committee,  
 Mr. McCormick of Ramsey moved  
 That the vote by which the report of the Committee on Senate  
 Bill No. 25 was adopted be reconsidered,  
 Which motion prevailed.

Mr. Worst moved  
 To amend the bill by striking out the first proviso,  
 Which motion prevailed.

Mr. McCormick of Ramsey moved  
 That the report of the committee be not adopted.  
 The question recurring upon the final passage of the bill as  
 amended,

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Johnson of Trail,	Miller,
Bisbee,	Johnson of Ward,	Nelson,
Brynjolfson,	Kinter,	Palmer,
Cashel,	Kuhn,	Patch,
Engle,	LaMoure,	Pinkham,
Euger,	Little,	Svensrud,
Fuller,	Lowry,	Weiser,
Haggart,	McCormack, G. Forks	Worst.
Iuk,	McCormick, Ramsey,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Almen.	Bjorgo,	Svennungsen.
Arnold,	McGillivray,	

Messrs. Almen, Arnold, Bjorgo, McGillivray and Svennungsen  
 being excused.

So the bill passed and the title was agreed to.

Mr. LaMoure moved  
 That the vote by which Senate Bill No. 25 was passed be re-  
 considered and the motion to reconsider be laid upon the table,  
 Which motion prevailed.

Mr. Worst offered the following amendment to Senate Bill No.  
 172:

It being necessary that the above board of trustees should be appointed  
 before the present Legislative Assembly adjourns an emergency exists, and  
 this act shall take effect and be in force from and after its passage and ap-  
 proval.

Which amendment was adopted.

The question recurring upon the final passage of Senate Bill  
 No. 172,

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Johnson of Traill,	Miller,
Bisbee,	Johnson of Ward.	Nelson,
Brynjolfson,	Kinter,	Palmer,
Cashel,	Kuhn,	Patch,
Engle,	Little,	Pinkham,
Enger,	Lowry,	Svensrud,
Fuller,	McCormack, G. F'rks.	Weiser,
Haggart,	McCormick, Ramsey,	Worst.
Ink,	McGillivray,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Almen,	Bjorgo,	Svennungsens.
Arnold,	LaMoure,	

Messrs. Almen, Arnold, Bjorgo, LaMoure and Svennungsens, being excused.

So the bill passed, and the title was agreed to.

Mr. Worst moved

That the vote by which Senate Bill No. 172 was passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Little moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

## EVENING SESSION.

The Senate reassembled at 7:30 o'clock p. m.

The Lieutenant Governor presiding.

House Bill No. 183,

A bill for an act to increase the revenues of the State by changing and increasing the boundaries of the counties of Pierce, McHenry, Bottineau, Ward, McLean, Williams, Billings, Stark, Morton and Mercer, and by repealing an act entitled "An act pertaining to the subdivision of the counties of Wallethe and Howard, Dakota Territory," approved March 9, 1883,

Was read the third time.

Mr. Miller moved

To amend line 13, Section 11, by striking out the words "register of deeds" and inserting the words "county auditor,"

Which motion prevailed.

The question recurring upon the final pass of the bill as amended,



The roll being called there were ayes 21, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bisbee,	Johnson of Traill,	McGillivray,
Brynjolfson,	Johnson of Ward,	Miller,
Cashel,	Kinter,	Patch,
Enger,	Kubn,	Pinkham,
Fuller,	Little,	Svensenrd,
Haggart,	Lowry,	Weiser,
Ink,	McCormick, Ramsey,	Worst.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Almen,	Engle,	Nelson,
Arnold,	LaMoure,	Palmer,
Bidlake,	McCormack of G.Fk's	Svennungsens.
Bjorgo,		

Messrs. Almen, Bjorgo and Svennungsens being excused.

So the bill passed, and the title was agreed to.

Mr. McGillivray moved

That the vote which House Bill No. 183 was passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Little moved

That the rules be suspended, and that Senate Bills Nos. 154, 153 and 134 be read the third time and placed upon their final passage,

Which motion prevailed.

Mr. Miller moved

That Senate Bill No. 88 be recalled from the Governor for correction,

Which motion prevailed.

Mr. Worst offered the following resolution:

*Resolved, That hereafter not more than three bills can be included in one motion to take out of regular order and put on final passage, and that no member can name more than one bill in such motion.*

Mr. Worst moved

That the resolution be adopted,

Which motion prevailed.

Senate Bill No. 81,

A bill for an act giving a lien on mares, cows and the offspring thereof for the service of stallion or bull,

Was read the third time.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 22, nays none.

Those who voted in the affirmative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Arnold,	Johnson of Traill,	Miller,
Bisbee,	Johnson of Ward,	Palmer,
Brynjolfson,	Kinter,	Patch,
Cashel,	Kuhn,	Pinkham,
Enger,	Little,	Svensrud,
Fuller,	Lowry,	Weiser,
Haggart,	McCormick, Ramsey,	Worst.
Ink,		

Absent and not voting:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Almen,	Engle,	McGillivray,
Bidlake,	LaMoure,	Nelson,
Bjorgo,	McCormack, G F'ks,	Svennungsens.

Messrs. Almen, Bjorgo and Svennungsens being excused.

So the bill passed and the title was agreed to.

House Bill No. 106,

A bill for an act to amend Section 6 of an act, entitled "An Act authorizing counties to procure seed grain for needy farmers resident therein," Chapter 152 of the Session Laws of North Dakota 1890, and to re-enact the same as so amended,

Was read the third time.

The question recurring upon the final passage of the bill.

The roll being called there were ayes 22, nays none.

Those who voted in the affirmative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Bisbee,	Johnson of Ward,	Miller,
Brynjolfson,	Kinter,	Palmer,
Cashel,	Kuhn,	Patch,
Enger,	Little,	Pinkham,
Fuller,	Lowry,	Svensrud,
Haggart,	McCormick, Ramsey,	Weiser,
Ink,	McGillivray,	Worst.
Johnson of Traill,		

Absent and not voting:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Almen,	Bjorgo,	McCormack of G F'ks,
Arnold,	Engle,	Nelson,
Bidlake,	LaMoure,	Svennungsens.

Messrs. Almen, Arnold, Bjorgo and Svennungsens being excused.

So the bill passed, and the title was agreed to.

Mr. McCormick of Ramsey moved

That the vote by which House Bill No. 106 was passed be reconsidered, and the motion to reconsider be laid upon the table.

Which motion prevailed.

Senate Bill No. 154,

A bill for an act fixing the penalty for willful neglect of certain officers to make reports, and other duties required by law, pre-

scribing certain duties of the board of county commissioners, and attorney in relation thereto,

Was read the third time.

Mr. Cashel moved

To amend line 7, Section 1, by striking out the words and figures "five hundred (500)" and inserting the words and figures "one hundred (100)."

Mr. Kinter moved

To amend the amendment by striking out the words and figures "one hundred (100)" and inserting the words and figures "three hundred (300)."

Which amendment was lost.

Mr. Worst moved

To amend the amendment by striking out the words and figures "one hundred (100)" and inserting the words and figures "two hundred (200)."

Which amendment prevailed.

The question recurring upon the amendment as amended,

The amendment prevailed.

Mr. Johnson of Ward moved

To amend line 7, Section 1, by striking out the words and figures "twenty (20)" and insert the words and figures "ten (10)."

Which amendment prevailed.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Bisbee,  
Brynjolfson,  
Cashel,  
Eager,  
Fuller,  
Haggart,  
Ink,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Palmer,  
Patch,  
Pinkham,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Almen,  
Bjorgo,

Messrs—

Engle,  
McCormack, G. F'ks,

Messrs—

Nelson,  
Svennungsens.

Messrs. Almen, Bjorgo and Svennungsens being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

To take from the table the motion to reconsider the vote by which House Bill No. 183 was passed,

Which motion prevailed.

The question recurring upon the reconsideration of the vote by which House Bill No. 183 was passed,

The motion prevailed.

Mr. McGillivray moved

To amend line 13, Section 11 of House Bill No. 183 by striking out the words "county auditor," and inserting in lieu thereof the words "register of deeds."

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 22, nays 1.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bisbee,  
Brynjolfson,  
Cashel,  
Enger,  
Fuller,  
Haggart,  
Ink,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Palmer,  
Pinkham,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Almen,  
Bjorgo,  
Eagle,

Messrs—

LaMoure,  
McCormack, G. F'ks,  
Nelson,

Messrs—

Patch,  
Svennungsen.

Mr. Bidlake voting in the negative.

Messrs. Almen, Bjorgo and Svennungsen being excused.

So the bill passed, and the title was agreed to.

Senate Bill No. 134,

A bill for an act to amend Section 579, Penal Code of North Dakota, being Section 6933, Compiled Code of 1887, relating to removing or destroying mortgaged property,

Was read the third time.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 21, nays 4.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Bisbee,  
Cashel,  
Enger,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McGillivray,

Messrs—

Miller,  
Palmer,  
Patch,  
Pinkham,  
Svensrud,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—

Brynjolfson,  
Johnson of Ward,

Messrs—

LaMoure,

Messrs—

McCormick, Ramsey.

Absent and not voting:

Messrs—

Almen,  
Bjorgo,

Messrs—

Engle,  
McCormack, G. F'ks,

Messrs—

Nelson,  
Svennungsen.

Messrs. Almen, Bjorgo and Svennungsen being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 153,

A bill for an act providing for the execution of bonds and undertakings by general guaranty companies,

Was read the third time.

Mr. Worst moved

To amend by striking out the word "presumption" and inserting the word "presumptive" in lieu thereof,

Which motion prevailed.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 22, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Bisbee,  
Brynjolfson,  
Cashel,  
Fuller,  
Haggart,  
Ink,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,

Messrs—

McCormick, Ramsey,  
McGillivray,  
Miller,  
Palmer,  
Patch,  
Pinkham,  
Worst.

Absent and not voting:

Messrs—

Almen,  
Bjorgo,  
Engle,

Messrs—

Enger,  
McCormack, G. F'ks.  
Nelson,

Messrs—

Svennungsen,  
Svensrud,  
Weiser.

Messrs. Almen, Bjorgo and Svennungsen being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 107,

A bill for an act providing for an appropriation for the manufacture of potato starch in the State of North Dakota,

Was read the third time.

The question recurring upon the final passage of the bill.

The roll being called there were ayes 20, nays 4.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Bisbee,  
Enger,  
Fuller,  
Haggart,  
Ink,

Messrs—

Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormick, Ramsey,  
McGillivray,

Messrs—

Miller,  
Palmer,  
Patch,  
Pinkham,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brynjolfson,	Johnson of Traill,	LaMoure.
Cashel,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Almen,	McCormack, G Forks	Svennungsen,
Bjorgo,	Nelson,	Svensrud.
Engle,		

Messrs. Almen, Bjorgo and Svennungsen being excused.

So the bill passed, and the title was agreed to.

The Special Committee on Journal Correction for the forty-fifth day made the following report:

MR. PRESIDENT:

Your Committee on Journal Correction for February 19th beg leave to report:

On page 4 [312], line 5, insert the word "first" where the blank appears.

On page 8, line 11, insert the words "as provided in the Military Code of the State of North Dakota" after the word "department."

On page 11, after the figures "1893," strike out the words "and to make an appropriation therefor."

J. M. PATCH,  
Chairman.

Mr. Cashel moved  
To adopt the report,  
Which motion prevailed.

Mr. Ink moved  
That the vote by which Senate Bill No. 107 was passed be reconsidered.

Mr. Little moved  
That the motion to reconsider be laid upon the table,  
Which motion prevailed.

Senate Bill No. 85,  
A bill for an act to amend Chapter 88 of the General Laws of 1881, relating to place of trial in justice court,  
Was read the third time.

Mr. McCormick of Ramsey moved  
That the bill be laid over till to-morrow,  
Which motion was lost.

The question recurring upon the final passage of the bill.

The roll being called, there were ayes 24, nays 1.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Bisbee,  
Brynolfson,  
Cashel,  
Enger,  
Fuller,  
Haggart,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Palmer,  
Patch,  
Pinkham,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Almen,  
Bjorgo,

Messrs—

Eugle,  
McCormack, G. F'ks,

Messrs—

Nelson,  
Svennungsen.

Mr. Ink voting in the negative.

Messrs. Almen, Bjorgo and Svennungsen being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 89,

A bill for an act exempting certain property and things from attachment and execution.

Mr. LaMoure was called to the Chair.

The question recurring upon the final passage of Senate Bill No. 89,

The roll being called there were ayes 17, nays 5.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bisbee,  
Cashel,  
Enger,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Kinter,  
Kuhn,  
LaMoure,  
Lowry,

Messrs—

McGillivray,  
Miller,  
Palmer,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—

Brynolfson,  
Johnson of Ward,

Messrs—

McCormick, Ramsey,  
Pinkham,

Messrs—

Svensrud.

Absent and not voting:

Messrs—

Almen,  
Bidlake,  
Bjorgo,

Messrs—

Eugle,  
Little,  
McCormack of G. F'ks,

Messrs—

Nelson,  
Patch,  
Svennungsen.

Messrs. Almen, Bjorgo and Svennungsen being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 158,

A bill for an act amending Section 8 of Chapter 71 of the Session Laws of the First Legislative Assembly of the State of North Dakota,

Was read the third time.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 21, nays 1.

Those who voted in the affirmative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Arnold,	Ink,	Miller,
Bisbee,	Johnson of Traill,	Palmer,
Brynjolfson,	Kinter,	Patch,
Cashel,	Kuhn,	Pinkham,
Enger,	LaMoure,	Svensrud,
Fuller,	Lowry,	Weiser,
Haggart,	McGillivray,	Worst.

Absent and not voting:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Almen,	Engle,	McCormick, Ramsey,
Bidlake,	Little,	Nelson,
Bjorgo,	McCormack of G. Fks,	Svennungsens.

Mr. Johnson of Ward voting in the negative.

Messrs. Almen, Bjorgo and Svennungsens being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 74,

A bill for an act to provide for the registration by the Treasurer of State bonds, issued or assumed by the State of North Dakota,  
Was read the third time.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 22, nays none.

Those who voted in the affirmative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Arnold,	Johnson of Traill,	Miller,
Bidlake,	Johnson of Ward,	Palmer,
Brynjolfson,	Kinter,	Patch,
Cashel,	Kuhn,	Pinkham,
Enger,	LaMoure,	Svensrud,
Fuller,	McCormick, Ramsey,	Weiser,
Haggart,	McGillivray,	Worst.
Ink,		

Absent and not voting:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Almen,	Engle,	McCormack, G. Fks,
Bisbee,	Little,	Nelson,
Bjorgo,	Lowry,	Svennungsens.

Messrs. Almen, Bjorgo and Svennungsens being excused.

So the bill passed, and the title was agreed to.

#### INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Cashel moved

That the rules be suspended and that the Senate return to the eleventh order of business, and that all Senate bills now on the Secretary's desk be read the first and second times, and referred to their proper committees,

Which motion prevailed.



Mr. Cashel introduced—

Senate Bill No. 182,

A bill for an act authorizing the levy of State taxes,

Which was read the first and second times, and referred to the Committee on Ways and Means.

Mr. Ink introduced—

Senate Bill No. 183,

A bill for an act to amend Sections 2926 of Article 3, Chapter 3, Title II, part III, and 3136 of Article 14, Chapter 3, Title II, part III, of the Compiled Laws of 1887, of the State of North Dakota,

Which was read the first and second times, and referred to the Committee on Judiciary.

Mr. Ink introduced—

Senate Bill No. 184,

A bill for an act entitled "An act to amend Section 1424 of Article 4 of Chapter 13 of the Compiled Laws of 1887 of the State of North Dakota,"

Which was read the first and second times, and referred to the Committee on State Affairs.

Mr. Pinkham introduced—

Senate Bill No. 185,

A bill for an act to amend Chapter 91 of the Laws of 1890,

Which was read the first and second times, and referred to the Committee on Judiciary.

Mr. Johnson of Traill introduced—

Senate Bill No. 186,

A bill for an act providing for an appropriation for the maintenance of the State Normal School at Mayville,

Which was read the first and second times, and referred to the Committee on Appropriations.

Mr. Svensrud moved

That the rules be suspended, and that House Bill No. 29 be read the third time and placed upon its final passage,

Which motion prevailed.

House Bill No. 29,

A bill for an act providing for extension of the time for the payment of the taxes for the year 1890,

Was read the third time.

Mr. Ink moved

That the bill be amended by striking out the words "one per cent. per month" in Section 1, and inserting the words "one-half per cent. per month" in lieu thereof,

Which motion was lost.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 22, nays none.

Those who voted in the affirmative were:

**Messrs—**

Arnold,  
Bidlake,  
Bisbee,  
Brynjolfson,  
Cashel,  
Enger,  
Fuller,  
Ink,

**Messrs—**

Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Lowry,  
McCormick, Ramsey,  
McGillivray,

**Messrs—**

Miller,  
Palmer,  
Patch,  
Pinkham,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

**Messrs—**

Almen,  
Bjorgo,  
Engle,

**Messrs—**

Haggart,  
Johnson of Traill,  
Little,

**Messrs—**

McCormack G. Fk's,  
Nelson.  
Svennungsen.

Messrs. Almen, Bjorgo and Svennungsen being excused.

So the bill passed and the title was agreed to.

Mr. McCormick of Ramsey moved

That the vote by which House Bill No. 29 was passed be reconsidered.

Mr. Svensrud moved

That the motion be laid upon the table,  
Which motion prevailed.

Senate Bill No. 149,

A bill for an act to amend Section 7 of Chapter 26 of the Session Laws of 1890, relating to boards of health, being Section 198 of Compiled Laws of 1887,

Was read the third time.

The question recurring upon the final passage of the bill,  
The roll being called there were ayes 23, nays none.

Those who voted in the affirmative were:

**Messrs—**

Arnold,  
Bidlake,  
Bisbee,  
Brynjolfson,  
Cashel,  
Enger,  
Fuller,  
Haggart,

**Messrs—**

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Lowry,  
McCormick, Ramsey,

**Messrs—**

McGillivray,  
Miller,  
Patch,  
Pinkham,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

**Messrs—**

Almen,  
Bjorgo,  
Engle,

**Messrs—**

Little,  
McCormick, G. F'rks,  
Nelson,

**Messrs—**

Palmer,  
Svennungsen.

Messrs. Almen, Bjorgo and Svennungsen being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 132,

A bill for an act to repeal all territorial and general laws relating to education that have not been heretofore repealed,

Was read the third time.

The question recurring upon the final passage of the bill,  
The roll being called there were ayes 24, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Ink,	McGillivray,
Bidlake,	Johnson of Traill,	Miller,
Bisbee,	Johnson of Ward,	Palmer,
Brynjolfson,	Kinter,	Patch,
Cashel,	Kuhn,	Pinkham,
Enger,	LaMoure,	Svensrud,
Fuller,	Lowry,	Weiser,
Haggart,	McCormick, Ramsey,	Worst.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Almen,	Little,	Nelson,
Bjorgo,	McCormack, G. Fk's.	Svennungsens.
Engle,		

Messrs. Almen, Bjorgo and Svennungsens being excused.

So the bill passed, and the title was agreed to.

Senate Bill No. 124,

A bill for an act to amend Section 1, Chapter 189, General Laws of 1890, entitled "An act requiring the payment of fees into the State Treasury by corporations upon filing of articles of incorporation, or upon increase of capital stock.

Was read the third time.

Mr. Cashel moved

That the figures "50,000" be stricken out, and the figures "5,000" be inserted in lieu thereof,

Which motion prevailed.

Mr. Haggart moved

That when the Senate adjourn it be to take a recess until next Tuesday at 2 o'clock p. m.,

Which motion was lost.

The question recurring upon the final passage of Senate Bill No. 124 as amended,

The roll being called there were ayes 24, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Ink,	McGillivray,
Bidlake,	Johnson of Traill,	Miller,
Bisbee,	Johnson of Ward,	Palmer,
Brynjolfson,	Kinter,	Patch,
Cashel,	Kuhn,	Pinkham,
Enger,	LaMoure,	Svensrud,
Fuller,	Lowry,	Weiser,
Haggart,	McCormick, Ramsey,	Worst.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Almen,	Little,	Nelson,
Bjorgo,	McCormack, G. Fks,	Svennungsens.
Engle,		

Messrs. Almen, Bjorgo and Svennungsens being excused.

So the bill passed, and the title was agreed to.

Mr. Arnold moved

That further consideration of Senate Bill No. 79 be indefinitely postponed,

Which motion prevailed.

Mr. Svensrud moved

That the vote by which Senate Bill No. 124 was passed be reconsidered.

Mr. Worst moved

That the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Bidlake moved

That the Senate do now adjourn,

Which motion was lost.

Mr. Worst moved

That the vote by which Senate Bill No. 132 was passed be reconsidered.

Mr. Johnson of Ward moved

To lay the motion upon the table,

Which motion prevailed.

Mr. Haggart moved

That the vote by which Senate Bill No. 153 was passed be reconsidered.

Mr. Svensrud moved

To lay the motion upon the table.

Mr. McCormick of Ramsey moved

That the Senate do now adjourn,

Which motion was lost.

Mr. Worst moved

That the vote by which Senate Bill No. 134 was passed be reconsidered.

Mr. Haggart moved

To lay the motion upon the table,

Which motion prevailed.

Mr. Svensrud moved

That the Senate do now adjourn,

The roll being called there were ayes 10, nays 14.

Those who voted in the affirmative were:

Messrs—

Bidlake,

Bisbee,

Enger,

Fuller,

Messrs—

Ink,

Johnson of Ward,

McCormick, Ramsey,

Messrs—

Palmer,

Patch,

Svensrud.

Those who voted in the negative were:

Messrs—  
 Arnold,  
 Brynjolfson,  
 Cashel,  
 Haggart,  
 Johnson of Traill,

Messrs—  
 Kinter,  
 Kuhn,  
 LaMoure,  
 Lowry,  
 McGillivray,

Messrs—  
 Miller,  
 Pinkham,  
 Weiser,  
 Worst.

Absent and not voting:

Messrs—  
 Almen,  
 Bjorgo,  
 Enger,

Messrs—  
 Little,  
 McCormack, G. F'rks

Messrs—  
 Nelson,  
 Svennungsen.

Messrs. Almen, Bjorgo and Svennungsen being excused.

So the motion to adjourn was lost.

Mr. McCormick of Ramsey moved a call of the Senate,  
 Which motion prevailed.

The roll being called the following members of the Senate  
 were found to be absent without being excused, Messrs. Engle,  
 Ink, Little, McCormack of Grand Forks and Nelson.

The President in the chair.

Mr. Kinter moved

That further proceedings under call of the Senate be dispensed  
 with,

Roll call demanded.

The roll being called there were ayes 10, nays 14.

Those who voted in the affirmative were:

Messrs—  
 Arnold,  
 Brynjolfson,  
 Fuller,  
 Ink,

Messrs—  
 Johnson of Traill,  
 Kinter,  
 LaMoure,

Messrs—  
 Lowry,  
 Miller,  
 Patch.

Those who voted in the negative were:

Messrs—  
 Bidlake,  
 Bisbee,  
 Cashel,  
 Enger,  
 Haggart,

Messrs—  
 Johnson of Ward,  
 Kuhn,  
 McCormick, Ramsey,  
 McGillivray,  
 Palmer,

Messrs—  
 Pinkham,  
 Svensrud,  
 Weiser,  
 Worst.

Absent and not voting:

Messrs—  
 Almen,  
 Bjorgo,  
 Engle,

Messrs—  
 Little,  
 McCormack, G. F'rks,

Messrs—  
 Nelson,  
 Svennungsen.

So the motion was lost.

Mr. Bisbee moved

That the Senate do now adjourn.

Mr. Pinkham moved

That when the Senate adjourn it take a recess until Tuesday  
 at 2 o'clock p. m.,

Which motion was lost.

The question recurring on the motion to adjourn,  
Roll call was demanded.

The roll being called there were ayes 14, nays 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Ink,	Palmer,
Bidlake,	LaMoure,	Patch,
Bisbee,	Lowry,	Weiser,
Enger,	McGillivray,	Worst.
Fuller,	Miller,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brynjolfson,	Johnson of Ward,	McCormick, Ramsey,
Cashel,	Kinter,	Pinkham,
Haggart,	Kuhn,	Svensrud.
Johnson of Traill,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Almen,	Little,	Nelson,
Bjorgo,	McCormick, G. Fk'a.	Svenningsen.
Engle,		

Messrs. Almen, Bjorgo and Svenningsen being excused.

So the motion prevailed, and  
The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

## FORTY-SEVENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 21, 1891.

The Senate met pursuant to adjournment at 2:00 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Almen, Bjorgo, Svennugsen, Haggart, Johnson of Traill, Palmer and Patch who were excused.

Mr. Kinter moved

That the reading of the Journal be dispensed with and that a committee be appointed to correct the same,

Which motion prevailed.

The President appointed as such committee Messrs. Pinkham and Johnson of Ward.

Mr. McCormack of Grand Forks moved that all absent members be excused.

## REPORTS OF STANDING COMMITTEES.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred

House Bill No. 134,

A bill for an act to amend an act providing for a system of accounts for the State Auditor and State Treasurer,

Have had the same under consideration and recommend that the same be amended as follows:

That Section 2 be inserted amending Section 7 of Chapter 183, so that it reads as follows;

SEC. 7. Every State officer required by Section 84 of the Constitution of this State, to cover into the State Treasury all fees and profits arising from said offices, shall keep a record of all such fees or profits in a book kept for that purpose, which book shall be the property of the State. They shall report to the State Treasurer quarterly the amount of fees or profits received, verified by oath, and at the same time pay the amount of such fees or profits into the treasury, taking duplicate receipts therefor, one of which shall be filed with

the State Auditor forthwith, and the Auditor shall charge the Treasurer with the amount thereof.

And when so amended recommend that the same do pass.

JAMES McCORMICK,  
Chairman.

Mr. Little moved

That the report of the Committee on House Bill No. 134, be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled bills.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred Senate Bill No. 135,

A bill for an act to appropriate money for the relief of destitute persons in North Dakota,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman pro. tem.

The Committee on Public Printing made the following report:

MR. PRESIDENT:

Your Committee on Public Printing to whom was referred House Bill No. 99,

A bill for an act to amend Section 2 of Chapter 120 of the General Laws of 1890, entitled "An act to define what newspapers are entitled to publish legal notices and do public printing," approved March 31, 1890,

Have had the same under consideration and recommend that the same do pass.

A. H. LOWRY,  
Chairman.

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on Ways and Means, to whom was referred House Bill No. 85,

A bill for an act to legalize and validate the State tax levy for the year 1890,

Have had the same under consideration and recommend that the same do pass.

JUDSON LAMOURE,  
Chairman.

#### MOTIONS AND RESOLUTIONS.

Mr. Miller moved

That the vote by which Senate Bill No. 88 was passed be reconsidered.



Mr. McCormick of Ramsey raised the point of order, whether the rules could be suspended for the purpose of reconsidering a vote by which a bill was passed three days before.

The President asked the Senate to decide the question.

Mr. Little moved

That the rules be suspended for the purpose of making a correction to Senate Bill No. 88,

Which motion prevailed.

Mr. Miller moved

That the vote by which Senate Bill No. 88 was passed be reconsidered,

Which motion prevailed.

Mr. Miller moved

That the bill be amended by inserting in line 6, Section 1, in printed bill, after the word "to" and before the word "any" the following words, "charge either for himself or for the county."

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 23, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Bisbee,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Ink,

Messrs—

Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F'rks,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Pinkham,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Almen,  
Bjorgo,  
Fuller,

Messrs—

Haggart,  
Johnson of Traill,  
Palmer,

Messrs—

Patch,  
Svennungsen.

Messrs. Almen, Bjorgo, Haggart, Johnson of Traill, Palmer, Patch and Svennungsen being excused.

So the bill passed, and the title was agreed to.

Mr. Miller moved

That the vote by which Senate Bill No. 88 was passed be reconsidered.

Mr. McCormick of Ramsey moved

That the motion be laid upon the table,

Which motion prevailed.

The Senate returned to the sixth order of business.

The Committee on Education made the following report

MR. PRESIDENT:

Your Committee on Education to whom was referred  
Senate Bill No. 170,

A bill for an act repealing Chapter 13 of the Special Laws of 1883, entitled "An Act to locate and establish a Territorial Normal School,"

Have had the same under consideration, and recommend that the same do pass.

J. H. WORST,  
Chairman.

The Committee on Public Printing made the following report:

MR. PRESIDENT:

Your Committee on Public Printing to whom was referred  
Senate Bill No. 169,

A bill for an act to provide for the publication of the Session Laws,

Have had the same under consideration, and recommend that the same be returned without recommendation.

A. H. LOWRY,  
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Little moved

That the rules be suspended, and that all Senate bills now on the Secretary's desk be read the first and second times and be referred to their proper committees,

Which motion prevailed.

Mr. Little introduced—

Senate Bill No. 187,

A bill for an act to amend Section 160 of the Civil Code,

Which was read the first and second times, and referred to the Committee on Judiciary.

Mr. Kuhn introduced—

Senate Bill No. 188,

A bill for an act to amend Sections 1, 2 and 3, Chapter 57, Laws of 1883, Sections 3018, 3019 and 3020, Compiled Laws of 1887, entitled Railroad Corporations,

Which was read the first and second times, and referred to the Committee on Railroads.

Mr. Little introduced—

Senate Bill No. 189.

A bill for an act to amend Sections 1 and 2 of Chapter 63, of the General Laws of 1883,

Which was read the first and second times, and referred to the Committee on Judiciary.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 25,

A bill for an act for the protection of laborers employed by men running threshing machines in this State,

Was read the third time.

Mr. Cashel moved

That the further consideration of the bill be deferred until next Thursday at 3 o'clock. p. m.

Which motion prevailed.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

Senate Bill No. 183,

A bill for an act to amend Section 2926 of Article 3, Chapter 3, Title II, Part III, and 3136 of Article 14, Chapter 3, Title II, Part III, of the Compiled Laws of 1887 of the State of North Dakota,

Have had the same under consideration and recommend that the same be amended as follows:

That the title read as follows: "A bill for an act to amend Section 407, Civil Code of 1877, and Section 538, Civil Code of 1877."

That Section 1 read as follows: "That Section 407, Civil Code of 1877, be and the same is hereby amended by adding thereto, at the end thereof, the following: *Provided*. That the trustees or directors of any private corporation created for religious, educational or benevolent purposes may be elected at such times and in such manner and their qualifications be such as may be provided by the articles of incorporation or by-laws of such corporation."

That Section 2 read as follows: "That Section 538, Civil Code of 1877, be and the same is hereby amended by striking out the word 'eleven' where it appears in said section, and inserting in lieu thereof the words 'twenty-one.'"

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Kinter moved

That the report of the committee on Senate Bill No. 183 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

Senate Bill No. 80,

A bill for an act providing for garnishment and regulating the proceedings in connection therewith,

Was read the third time.

Mr. Kinter moved

That further consideration of Senate Bill No. 51 be indefinitely postponed.

Which motion prevailed.

The question recurring upon the final passage of Senate Bill No. 80,

The roll being called there were ayes 19, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Kinter,	McGillivray,
Bisbee,	Kuhn,	Miller,
Cashel,	LaMoure,	Pinkham,
Engle,	Little,	Svensrud,
Enger,	Lowry,	Weiser,
Ink,	McCormack, G. F'ks.	Worst.
Johnson of Ward,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Almen,	Haggart,	Palmer,
Arnold,	Johnson of Traill,	Patch,
Bjorgo,	McCormick, Ramsey,	Svennungsen.
Fuller,		

Messrs. Bidlake and Brynjolfson voting in the negative.

Messrs. Almen, Arnold, Fuller, Haggart, Johnson of Traill, McCormick of Ramsey, Palmer and Svennungsen being excused.

So the bill passed, and the title was agreed to.

A recess of ten minutes was taken.

The Senate returned to the eighth order of business.

Mr. Cashel moved

That the rules be suspended for the purpose of recalling Senate Bill No. 158,

Which motion prevailed.

Mr. Cashel moved

That the vote by which Senate Bill No. 158 was passed be reconsidered,

Which motion prevailed.

Mr. Cashel moved

That the bill be recommitted to the Committee on Judiciary,  
Which motion prevailed.

Senate Bill No. 96,

A bill for an act to amend Article 1, Chapter 1, of Justices' Code, being Section 6042 of the Compiled Laws of 1887,

Was read the third time.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 22, nays none.

Those who voted in the affirmative were:

**Messrs—**

Arnold,  
Bidlake,  
Bisbee,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,

**Messrs—**

Ink,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormack, G. Forks

**Messrs—**

McCormick, Ramsey,  
Miller,  
Nelson,  
Pinkham,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

**Messrs—**

Almen,  
Bjorgo,  
Haggart,

**Messrs—**

Johnson of Traill,  
LaMoure,  
M Gillivray,

**Messrs—**

Palmer,  
Patch,  
Svennungsen.

Messrs. Almen, Bjorgo, Haggart, Johnson of Traill, Palmer, Patch and Svennungsen being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 183,

A bill for an act to amend Section 2926 of Article 3, Chapter 3, Title II, part III, and 3136 of Article 14, Chapter 3, Title II, part III, of the Compiled laws of 1887, of the State of North Dakota,

Was read the third time.

Mr. Little moved

That the bill be recommitted,

Which motion prevailed.

The President pro tem. was called to the Chair.

#### COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }  
February 21, 1891. }

*To the President of the Senate:*

I have the honor to inform you that I have approved the following Senate bills:

Senate Bill No. 131,

An act to provide for the maintenance of the military department as provided in the Military Code of the State of North Dakota.

Also,

Senate Bill No. 146,

An act accepting the provisions of an act of Congress approved August 30, 1890, and entitled "An Act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the college for the benefit of agriculture and mechanic arts," established under the provisions of an act of Congress approved July 2, 1862, and designating the North Dakota Agricultural College as the sole beneficiary under this act

for the State of North Dakota, and naming the treasurer of said college as the recipient of all funds payable from the United States Treasury in accordance with said act of Congress.

Also,

Senate Bill No. 97,

An act providing clerk hire for the various State officers, and making appropriation therefor.

Also,

Senate Bill No. 68,

An act attaching the county of Church in the second judicial district of the State of North Dakota to the county of McHenry in said judicial district and State for judicial and other purposes.

Also,

Senate Bill No. 19,

An act for paroling prisoners.

Also,

Senate Bill No. 76,

An act attaching and annexing the counties of Renville, Mont-  
raile, Flannery, Buford, Garfield and Stevens in the Second ju-  
dicial district of the State of North Dakota to the county of  
Ward, in said Second judicial district and State, for judicial and  
other purposes.

Very respectfully,

ANDREW H. BURKE,  
Governor.

Senate Bill No. 139,

A bill for an act to provide for the collection and compilation  
of the statistics of North Dakota,

Was read the third time.

Mr. Little moved

To adopt the report of the committee,

Which motion prevailed.

The question recurring upon the final passage of the bill.

The roll being called there were ayes 22, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Bisbee,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,

Messrs--

Ink,  
Johnson of Ward,  
Kinter,  
Kuhu,  
Little,  
Lowry,  
McCormack, G. F'ks,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Pinkham,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Almen,  
Bjorgo,  
Haggart,

Messrs—

Johnson of Traill,  
LaMoure,  
McCormick, Ramsey,

Messrs—

Palmer,  
Patch,  
Svennungsens.

Messrs. Almen, Bjorgo, Haggart, Johnson of Traill, Palmer Patch and Svennungsens being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 170,

A bill for an act repealing Chapter 13 of the Special Laws of 1883, entitled "An act to locate and establish a Territorial Normal School,"

Was read the third time.

Mr. Johnson of Ward moved

That the report of the committee be adopted,  
Which motion prevailed.

The roll being called there were ayes 23, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Bisbee,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,

Messrs—

Ink,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormack of G Fks,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Pinkham,  
Svensenrd,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Almen,  
Bjorgo,  
Haggart,

Messrs—

Johnson of Traill,  
LaMoure,  
Palmer,

Messrs—

Patch,  
Svennungsens.

Messrs. Almen, Bjorgo, Haggart, Johnson of Traill, Palmer, Patch and Svennungsens being excused.

So the bill passed, and the title was agreed to.

Senate Bill No. 130,

A bill for an act to require the register of deeds to number all documents filed in his office for record in consecutive numbers,

Was read the third time.

Mr. Worst moved

That the report of the committee be adopted,  
Which motion prevailed.

Mr. Little moved

To amend line 2 of Section 2 by striking out the word "with" and inserting the word "of" in lieu thereof,

Which motion prevailed.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 22, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson of Ward,	McGillivray,
Bidlake,	Kinter,	Miller,
Bisbee,	Kuhn,	Nelson,
Brynjolfson,	Little,	Pinkham,
Cashel,	Lowry,	Svensrud,
Engle,	McCormack of G.Fk's	Weiser,
Enger,	McCormick, Ramsey,	Worst.
Ink,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Almen,	Haggart,	Palmer,
Bjorgo,	Johnson of Traill,	Patch,
Fuller,	LaMoure,	Svennungsen.

Messrs. Almen, Bjorgo, Haggart, Johnson of Traill, Palmer, Patch and Svennungsen being excused.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, {  
February 21, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 58,

A bill for an act providing for an appropriation for the erection of buildings for the State Agricultural College at Fargo, and for the contingent expenses necessary to the construction thereof.

Also,

Senate Bill No. 60,

A bill for an act appropriating money for the erection of a Soldiers' Home at Lisbon, North Dakota, and for the contingent expenses incident thereto.

Also,

Senate Bill No. 98,

A bill for an act making a standing annual appropriation for the payment of the salaries of the various State officers.

Also,

Senate Bill No. 99,

A bill for an act providing for the appropriation of money for the erection of a suitable building for the Deaf and Dumb Asylum at the city of Devils Lake, Ramsey County, N. D., and for the contingent expenses incident thereto.

Also,

Senate Bill No. 137,



A bill for an act making appropriations for the maintenance of the University of North Dakota.

Also,

Senate Bill No. 141,

A bill for an act providing for an appropriation for the maintenance of the Deaf and Dumb School at Devils Lake,

All of which have passed the House unchanged.

Also,

To transmit herewith

Senate Bill No. 65,

A bill for an act providing for an appropriation for the current and contingent expenses of the Penitentiary at Bismarck, and for making needed permanent improvements,

Which the House has amended by inserting an emergency clause.

Also,

Senate Bill No. 66,

A bill for an act for an appropriation for the current and contingent expenses of the Asylum at Jamestown for the Insane and for making needed permanent improvements,

Which the House has passed with the following amendment:

Strike out the figures "\$16,000" in Section 1, line 24, engrossed bill, and insert in lieu thereof the figures "\$20,000."

Also, strike out the figures "\$600" in Section 1, line 5, second page of engrossed bill, and insert in lieu thereof the figures "\$1,600." And further amended by adding an emergency clause,

And your concurrence in these amendments is respectfully requested.

Also,

Senate Bill No. 100,

A bill for an act to appropriate money to pay the expenses of selecting and acquiring title to lands donated by Congress to the State of North Dakota for its public institutions, and to carry out the provisions of an act providing for the organization of the Board of University and School Lands, approved March 20, 1890,

Which the House has amended by striking out the emergency clause,

And your concurrence therein is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

Mr. Little moved

That the rules be suspended and that the Senate concur in the House amendments to Senate Bill No. 65,

Which motion prevailed.

The question recurring upon the final passage of the bill as amended.

The roll being called there were ayes 23, nays none.

Those who voted in the affirmative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Arnold,	Ink,	McGillivray
Bidlake,	Johnson, of Ward,	Miller,
Bisbee,	Kinter,	Nelson,
Brynjolfson,	Kuhn,	Pinkham,
Cashel,	Little,	Svensrud,
Eugle,	Lowry,	Weiser,
Enger,	McCormack, G. F <sup>ks</sup> ,	Worst.
Fuller,	McCormick, Ramsey,	

Absent and not voting:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Almen,	Johnson, of Traill,	Patch,
Bjorgo,	LaMoure,	Svennungsen.
Haggart,	Palmer,	

Messrs. Almen, Bjorgo, Haggart, Johnson of Traill, Palmer, Patch and Svennungsen being excused.

So the bill passed and the title was agreed to.

Mr. Worst moved

That the Senate concur in the House amendments to Senate Bill No. 66,

Mr. McCormack of Grand Forks moved

As a substitute that the Senate do not concur in the House amendments to Senate Bill No. 66, and that a conference committee of three members of the Senate and three members of the House be appointed to consider the same,

Which motion prevailed.

The President pro tem. appointed as such committee on part of the Senate, Messrs. McCormack of Grand Forks, Bidlake and Fuller.

Mr. Little moved

That the vote by which Senate Bill No. 65 was passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate Bill No. 157,

A bill for an act to prevent the spread of contagious and infectious diseases among domestic animals,

Was read the third time.

Mr. Svensrud moved

That the report of the committee be adopted,

Which motion prevailed.

Mr. Svensrud moved

To amend by striking out in Section 11, line 3, after the word "of," the figures "2,500," and inserting in lieu thereof the figures "2,000."

Roll call demanded.

The question recurring upon the adoption of the amendment, The roll being called there were ayes 13, nays 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson of Ward,	Miller,
Bisbee,	Kuhn,	Nelson,
Brynjolfson,	LaMoure,	Svensrud,
Cashel,	McCormick, Ramsey,	Weiser.
Enger,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Little,	McGillivray,
Engle,	Lowry,	Pinkham,
Fuller,	McCormack, G Forks	Worst.
Kinter,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Almen,	Ink,	Patch,
Bjorgo,	Johnson of Traill,	Svennungsen.
Haggart,	Palmer,	

Messrs. Almen, Bjorgo, Haggart, Johnson of Traill, Palmer, Patch and Svennungsen being excused.

So the amendment prevailed.

Mr. Johnson of Ward moved

To amend line 7, Section 17 by inserting after the word "health" the following: "*Provided, however,* That said veterinarian surgeon, or his deputy, shall issue such certificate of health without charge when such animals are shipped out of this State.

Mr. Worst moved to adopt the amendment,  
Which motion prevailed.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 23, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson of Ward,	McGillivray,
Bidlake,	Kinter,	Miller,
Bisbee,	Kuhn,	Nelson,
Brynjolfson,	LaMoure,	Pinkham,
Cashel,	Little,	Svensrud,
Engle,	Lowry,	Weiser,
Enger,	McCormack, G. F'ks,	Worst.
Fuller,	McCormick, Ramsey,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Almen,	Ink,	Patch,
Bjorgo,	Johnson of Traill,	Svennungsen.
Haggart,	Palmer,	

Messrs. Almen, Bjorgo, Haggart, Johnson of Traill, Palmer, Patch and Svennungsen being excused.

So the bill passed, and the title was agreed to.

House Bill No 9,

A bill for an act to provide facilities for marketing wool,  
Was read the third time.

Mr. McGillivray moved  
To adopt the report of the committee,  
Which motion prevailed.

Mr. McGillivray moved  
To amend line 1, Section 2, by inserting the words "and labor"  
after the words "Commissioner of Agriculture,"  
Which motion prevailed.

Mr. McCormick of Ramsey moved  
To amend by inserting the words "and labor" after the words  
"Commissioner of Agriculture" wherever they occur in the bill,  
Which motion prevailed.

The question recurring upon the final passage of the bill as  
amended.

The roll being called there were ayes 24, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Bisbee,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,

Messrs—

Ink,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack of G F'ks

Messrs—

McCormick, Ramsey,  
McGillivray,  
Miller,  
Nelson,  
Pinkham,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Almen,  
Bjorgo,  
Haggart,

Messrs—

Johnson of Traill,  
Palmer,

Messrs—

Patch,  
Svenningsen.

Messrs. Almen, Bjorgo, Haggart, Johnson of Traill, Palmer,  
Patch and Svenningsen being excused.

So the bill passed and the title was agreed to.

House Bill No. 67,

A bill for an act to provide for the publication of proposed  
amendments to the Constitution of the State of North Dakota,  
fixing the rates of compensation therefor, and providing how said  
compensation shall be made,

Was read the third time.

Mr. Worst moved  
To adopt the report of the committee.

Mr. McCormack of Grand Forks moved

To amend line 4, Section 1, by inserting the word "State" be-  
fore the word "Auditor;" also, in line 4, Section 4, after the word  
"the," the word "State" be inserted,

Which motion prevailed.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 24, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Ink,	McCormick, Ramsey,
Bidlake,	Johnson of Ward,	McGillivray,
Bisbee,	Kinter,	Miller,
Brynjolfson,	Kuhn,	Nelson,
Cashel,	LaMoure,	Pinkham,
Engle,	Little,	Svensrud,
Enger,	Lowry,	Weiser,
Fuller,	McCormack, G F'ks,	Worst.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Almen,	Johnson of Traill,	Patch,
Bjorgo,	Palmer,	Svenningsen.
Haggart,		

Messrs. Almen, Bjorgo, Haggart, Johnson of Traill, Palmer, Patch and Svenningsen being excused.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
February 21, 1891.

MR. PRESIDENT:

I have the honor to inform the Senate that Messrs. Richie, Lutz, Brown and Walton have been appointed as a Conference Committee on the part of the House to consider the differences between the Houses as to Senate Bill No. 66.

J. G. HAMILTON,  
Chief Clerk.

Mr. McGillivray moved

That the rules be suspended and that the Senate concur in the House amendments to Senate Bill No. 45,

Which motion prevailed.

The question recurring upon the final passage of the the bill as amended,

The roll being called, there were ayes 24, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Ink,	McCormick, Ramsey,
Bidlake,	Johnson of Ward,	McGillivray,
Bisbee,	Kinter,	Miller,
Brynjolfson,	Kuhn,	Nelson,
Cashel,	LaMoure,	Pinkham,
Engle,	Little,	Svensrud,
Enger,	Lowry,	Weiser,
Fuller,	McCormack, G. F'ks,	Worst.

Absent and not voting:

Messrs—  
Almen,  
Bjorgo,  
Haggart,

Messrs—  
Johnson of Traill,  
Palmer,

Messrs—  
Patch,  
Svennungsens.

Messrs. Almen, Bjorgo, Haggart, Johnson of Traill, Palmer, Patch and Svennungsens being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the Senate do now adjourn.

Mr. McGillivray moved

To amend that when the Senate do adjourn it take a recess until Tuesday at 2 o'clock p. m.,

Which motion prevailed.

Roll call demanded on motion to adjourn.

The roll being called there were ayes 12, nays 12.

Those who voted in the affirmative were:

Messrs—  
Bidlake,  
Cashel,  
Engle,  
Fuller,

Messrs—  
Ink,  
Johnson of Ward,  
Kuhn,  
Little,

Messrs—  
McGillivray,  
Miller,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—  
Arnold,  
Bisbee,  
Brynjolfson,  
Enger.

Messrs—  
Kinter,  
LaMoure,  
Lowry,  
McCormack, G. F'ks,

Messrs—  
McCormick, Ramsey,  
Nelson,  
Pinkham,  
Svensrud.

Absent and not voting:

Messrs—  
Almen,  
Bjorgo,  
Haggart,

Messrs—  
Johnson of Traill,  
Palmer,

Messrs—  
Patch,  
Svennungsens.

Messrs. Almen, Bjorgo, Haggart, Johnson of Traill, Palmer, Patch and Svennungsens being excused.

So the motion to adjourn was lost.

Mr. Engle moved

That the Senate appoint Mr. Charles E. Fairbanks clerk on the Engrossing and Enrolling force,  
Which motion prevailed.

House Bill No. 45,

A bill for an act to facilitate the shipment of live stock, grain and other commodities,

Was read the third time.

Mr. Svensrud moved

That House Bill No. 45 be recommitted,  
Which motion prevailed.

House Bill No. 136,  
A bill for an act appropriating money for the maintenance of  
the public officers of the State,

Was read the third time.

Mr. McCormack of Grand Forks moved  
To amend the bill as follows:

In Section 1, line 2, after the word "of," strike out the figures "\$3,500" and  
insert in lieu thereof the figures "\$1,675."

And in line 5, Section 1, after the word "of," strike out the figures "\$7,000"  
and insert in lieu thereof the figures "\$3,350."

After the word "necessary," in line 5, Section 1, insert for salaries:

For one engineer, \$900 per annum.

For one assistant engineer, \$600 per annum.

For one janitor, \$600 per annum.

For fuel and light, \$1,000 per annum.

For repair of grounds and buildings, \$250 per annum.

The question recurring upon the adoption of the amendment,  
Roll call demanded.

The roll being called there were ayes 8, nays 16.

Those who voted in the affirmative were:

Messrs—

Bidlake,  
Brynjolfson,  
Cashel,

Messrs—

Enger,  
LaMoire,  
McCormack of G. Fks,

Messrs—

Nelson,  
Pinkham.

Those who voted in the negative were:

Messrs—

Arnold,  
Bisbee,  
Engle,  
Fuller,  
Ink,  
Johnson of Ward,

Messrs—

Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Almen,  
Bjorgo,  
Haggart,

Messrs—

Johnson of Traill,  
Palmer,

Messrs—

Patch,  
Svennungsen.

Messrs. Almen, Bjorgo, Haggart, Johnson of Traill, Palmer,  
Patch and Svennungsen being excused.

So the amendment was lost.

Mr. Cashel moved  
That the Senate do now adjourn,  
Which motion prevailed, and  
The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

## FIFTIETH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 24, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Palmer, who was excused.

Mr. Little moved

That the reading of the Journal be dispensed with and that a committee be appointed to correct the same,

Which motion prevailed.

The President appointed as such committee Messrs. Milner and Svenningsen.

## UNFINISHED BUSINESS.

Mr. McCormack of Grand Forks moved

That House Bill No. 136 be recommitted to the committee with instructions to report back an itemized account for the appropriation asked for.

Roll call demanded.

The question recurring upon the motion to recommit.

The roll being called there were ayes 9, nays 18.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Cashel,	McCormack, G. F'rks,
Bjorgo,	Johnson of Ward,	Nelson,
Brynjolfson,	LaMoure,	Patch.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Almen,	Johnson of Traill,	McGillivray,
Bisbee,	Kinter,	Miller,
Engle,	Kuhn,	Svenningsen,
Enger,	Little,	Svensrud,
Haggart,	Lowry,	Weiser,
Ink,	McCormick, Ramsey,	Worst.



Absent and not voting:

Messrs—  
Arnold,  
Fuller,

Messrs—  
Palmer,

Messrs—  
Pinkham.

Messrs. Fuller and Palmer being excused.

So the motion was lost.

The question recurring upon the final passage of the bill,  
The roll being called there were ayes 25, nays 4.

Those who voted in the affirmative were:

Messrs—  
Almen,  
Bidlake,  
Bisbee,  
Cashel,  
Engle,  
Enger,  
Haggart,  
Ink,  
Johnson of Traill.

Messrs—  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormick, Ramsey,  
McGillivray,

Messrs—  
Miller,  
Nelson,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—  
Bjorgo,  
Brynjolfson,

Messrs—  
Fuller,

Messrs—  
McCormack of G Fks.,

Messrs. Arnold and Palmer being absent and not voting.

Mr. Palmer being excused.

So the bill passed, and the title was agreed to.

Mr. Little moved

That the vote by which House Bill No. 136 was passed be re-considered.

Mr. Worst moved

To lay the motion upon the table,  
Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
February 24, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith  
House Bill No. 100,

A bill for an act to protect stock raisers and promote the breeding of improved live stock within the State of North Dakota, and to provide a lien for the service of sires,

Which the House has passed and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

The Committee on Engrossed and Enrolled Bills made the following report:

**MR. PRESIDENT:**

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 24,

A bill for an act giving power to county commissioners to dispose of real estate bid in, in the name of the county at tax sales.

Also,

Senate Bill No. 58,

A bill for an act providing for an appropriation for the erection of buildings for the State Agricultural College and Experimental Station at Fargo, and for current and contingent expenses of the same.

Also,

Senate Bill No. 65,

A bill for an act providing for an appropriation for the current and contingent expenses of the penitentiary at Bismarck, and for making needed permanent improvements.

Also,

Senate Bill No. 137,

A bill for an act making an appropriation for the maintenance of the University of North Dakota.

Also,

Senate Bill No. 60,

A bill for an act providing for an appropriation for a soldiers' home.

Also,

Senate Bill No. 99,

A bill for an act providing for an appropriation for the erection of buildings for the Deaf and Dumb Asylum at the city of Devils Lake, and the purchase of a site therefor.

Also,

Senate Bill No. 141,

A bill for an act providing for an appropriation for the maintenance of the Deaf and Dumb School at Devils Lake.

Also,

Senate Bill No. 98,

A bill for an act making a standing annual appropriation for the payment of the salaries of the various State officers.

Also,

Senate bill No. 45,

A bill for an act to prevent the branding of horses, mules, asses and cattle during certain seasons of the year,

And find the same correctly engrossed and enrolled.

R. N. INK,  
Chairman.

The President announced his signature to  
Senate Bill No. 24,

A bill for an act giving power to county commissioners to dispose of real estate bid in, in the name of the county at tax sales.

Also,  
Senate Bill No. 45,

A bill for an act to prevent the branding of horses, mules, asses and cattle during certain seasons of the year.

Also,  
Senate Bill No. 58,

A bill for an act providing for an appropriation for the erection of buildings for the State Agricultural College and Experimental Station at Fargo, and for current and contingent expenses of the same.

Also,  
Senate Bill No. 60,

A bill for an act providing for an appropriation for a soldiers' home.

Also,  
Senate Bill No. 65,

A bill for an act providing for an appropriation for the current and contingent expenses of the penitentiary at Bismarck, and for making needed permanent improvements.

Also,  
Senate Bill No. 98,

A bill for an act making a standing annual appropriation for the payment of the salaries of the various State officers.

Also,  
Senate Bill No. 99,

A bill for an act providing for an appropriation for the erection of buildings for the Deaf and Dumb Asylum at the city of Devils Lake, and the purchase of a site therefor.

Also,  
Senate Bill No. 137,

A bill for an act making an appropriation for the maintenance of the University of North Dakota.

Also,  
Senate Bill No. 141,

A bill for an act providing for an appropriation for the maintenance of the Deaf and Dumb School at Devils Lake.

#### PETITIONS AND COMMUNICATIONS.

Mr. Ink presented the following petition:

FAIRMOUNT, N. D., February 1, 1891.

*To the Legislative Assembly of the State of North Dakota:*

GENTLEMEN: We, the undersigned tax payers of Richland county, re-

pectfully petition your honorable body to pass a law fixing the annual salary of county commissioners at \$300 a year and mileage.

E. L. GRIFFIN,  
and 39 others.

Mr. Enger presented the following petition:

*To Hon. F. Enger, Member of Senate, Bismarck, N. D.:*

We, the undersigned, respectfully ask that you do all in your power to defeat House Bill No. 65, we believing same to be a measure strictly against our own State, and in the interest of "old line" foreign life insurance companies.

Dated Cooperstown, February 21, 1891.

IVER JACOBSON,  
and 40 Others.

The petition was referred to the Committee on Insurance.

The Senate returned to the sixth order of business.

The Committee on Stock made the following report:

MR. PRESIDENT:

Your Committee on Stock to whom was referred  
Senate Bill No. 173,

A bill for an act to provide for the appointment of sheep inspectors and to provide for the supervision of sheep in case of infection,

Have had the same under consideration and recommend that the same be amended as follows:

Amend Section 6, line 8, printed bill, by striking out the word "felony" and inserting the word "misdemeanor."

Amend same section, line 9, by striking out all after the word "prison" and inserting the words "not more than five years, or in the county jail not exceeding one year, and shall pay a fine of not less than \$100 nor more than \$1,000, or by both such fine and imprisonment, in the discretion of the court."

Strike out all of Section 7, and renumber the following sections.

Amend Section 9, line 5, by striking out the words "county auditor" and insert the words "board of county commissioners," and strike out all the balance of the section.

Amend Section 10, line 2, by striking out the words "county auditor" and insert the words "clerk of the district court."

Amend Section 14, line 4, by adding before the word "mingle" the word "to."

And when so amended recommend that the same do pass.

JAMES JOHNSON,  
Chairman.

Mr. Worst moved

That the report of the Committee on Senate Bill No. 173 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled bills.

#### REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary made the following report:

Mr. PRESIDENT:

Your Committee on Judiciary to whom was referred  
Senate Bill No. 185,

A bill for an act to amend Chapter 91 of the Laws of 1890,

Have had the same under consideration and recommend that  
the same do pass.

Also,

#### CONCURRENT RESOLUTION.

For a Memorial to the President of the United States.

*Be it Resolved by the Legislative Assembly of the State of North Dakota:*

WHEREAS, It appears from the judgment of the Supreme Court of the United States, in the case of Wisconsin Central Railroad Company against Price County, and from the decision of the Supreme Court of this State, in the case of Jackson against LaMonre County, that the lands in this State, selected by the Northern Pacific Railroad Company for indemnity, lying more than forty, and not more than fifty, miles from the main line of said railroad company, cannot be taxed until such selections have been approved by the honorable Secretary of the Interior, which approval has not been given; and

WHEREAS, This Legislative Assembly is informed that said company have selected for such indemnity about two thousand sections of land lying in this State east of the Missouri river, and that the right of said company to said lands is not disputed; and

WHEREAS, By such delay in approval about two thousand square miles of land, much of it improved and all of it valuable, has been and is exempted from taxation, by which delay and exemption there is lost to this State and to the political subdivisions thereof in revenue yearly, not less than \$90,000, and

WHEREAS, The present value of such lands is almost wholly the result of the labors of the pioneer settlers of this State in organizing and maintaining, by taxation and otherwise, civil government; and it is but just that the owners of such lands should share the burdens as well as the benefits of government; therefore be it

*Resolved*, That the President of the United State be and he is hereby respectfully petitioned to cause such action to be speedily taken by the honorable Secretary of the Interior as will render said lands subject to taxation in this present year.

*Resolved*, That a copy of this resolution, attested by the Secretary of the Senate and the Chief Clerk of the House of Representatives be forwarded by the Secretary of State to Hon. Lyman R. Casey or to Hon. Gilbert A. Pierce with instructions to present the same to the President of the United States.

And recommend that the same be amended as follows:

That the following be substituted from the word "Whereas," where it first occurs in said resolution, to and including the word "and" preceding the word "Whereas," where it secondly occurs in said resolution, as in the printed Journal:

"WHEREAS, By that certain act of Congress, approved July 2, 1864, entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route,' and the subsequent acts and joint resolutions of Congress relating to the same subject, it is provided that the title to lands selected by the Northern Pacific Railroad Company for indemnity for lands lost in place under the terms and provisions of said acts and joint resolutions of Congress, shall not pass to said railroad company until such selections have been approved by the Secretary of the Interior; and

"WHEREAS, The Northern Pacific Railroad Company declines and refuses to pay any taxes upon its said lands so selected for indemnity; and lying more than forty, but not more than fifty miles distant from the main line of the rail-

road of said company, for the alleged reason that the Secretary of the Interior has failed and neglected to approve its said selection; and"

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Patch moved

That the report of the Committee on the Concurrent Resolution be adopted,

Which motion prevailed, and

The resolution was referred to the Committee on Engrossed and Enrolled Bills.

Mr. LaMoure moved

That the opinion of the Attorney General be requested as to the right of this Legislature to levy or assess any tax against the right of way, franchise, road-bed, ties, rails, depots or any other necessary appliances that may be required in the ordinary transaction of the business of the road of the Northern Pacific railroad company, and that the Attorney General be requested to furnish such opinion at as early a date as possible; also that he be requested to give his opinion as to whether all buildings and improvements on the right of way can be taxed by this State as personal property; also as to whether the gross earnings principle can be properly engrafted in a proposed bill to assess the said railroad company's property,

Which motion prevailed.

#### SPECIAL ORDERS.

The hour having arrived for the consideration of Special Orders,

Senate Bill No. 21,

A bill for an act to require county treasurers to deposit county funds in designated depositories, and providing for interest thereon,

Was placed upon its final passage.

Mr. LaMoure moved a call of the Senate,

Which motion prevailed.

The roll being called the following members of the Senate were found to be absent without being excused: Messrs. Fuller, Johnson of Trail, Johnson of Ward and Worst.

The Sergeant-at-Arms brought the absent members before the bar of the Senate.

Mr. Little moved

That further proceedings under the call of the Senate be dispensed with,

Which motion prevailed.

Mr. Bisbee moved

That the members be invited to take their seats,

Which motion prevailed.

Mr. Cashel moved

To amend by striking out the word "funds" wherever it may appear and inserting the words "sinking, fund" in lieu thereof.

Roll call demanded.

The question recurring upon the adoption of the amendment,  
The roll being called there were ayes 16, nays 14.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bisbee,	Kinter,	McGillivray,
Cashel,	LaMoure,	Miller,
Engle,	Little,	Nelson,
Fuller,	Lowry,	Patch,
Haggart,	McCormack, G. Fks,	Worst.
Ink,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Almen,	Enger,	Pinkham,
Arnold,	Johnson of Traill,	Svennungsen,
Bidlake,	Johnson of Ward,	Svensrud,
Bjorgo,	Kuhn,	Weiser.
Brynjolfson,	McCormick, Ramsey,	

Mr. Palmer being absent and excused.

So the amendment was adopted.

Mr. Worst moved

To amend line 1 by striking out the word "the" and inserting the letter "a" in lieu thereof,

Which motion prevailed.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 12, nays 18.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson of Ward,	Pinkham,
Bjorgo,	Kinter,	Svennungsen,
Enger,	McCormick, G. Fks,	Svensrud,
Johnson of Traill,	McCormick, Ramsey,	Weiser.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Almen,	Fuller,	Lowry,
Bidlake,	Haggart,	McGillivray,
Bisbee,	Ink,	Miller,
Brynjolfson,	Kuhn,	Nelson,
Cashel,	LaMoure,	Patch,
Engle,	Little,	Worst.

Mr. Palmer being absent and excused.

So the bill was lost.

Senate Bill No. 43,

A bill for an act to repeal Section 27 of an act passed at the First Session of the Legislative Assembly, entitled "An act to provide for the organization and government of State banks."

Mr. LaMoure moved

That further consideration of Senate Bill No. 43 be indefinitely postponed,

Which motion prevailed.

The Senate returned to the sixth order of business.

Mr. Arnold was called to the Chair.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

Senate Bill No. 183,

A bill for an act to amend Section 2926 of Article 3, Chapter 3, Title II, part III, and 3136 of Article 14, Chapter 3, Title II, part III, of the Compiled laws of 1887, of the State of North Dakota,

Have had the same under consideration and recommend that the same be amended as follows:

SECTION 1. That Section 407 of the Civil Code of 1877 be and the same is hereby amended so as to read as follows:

Sec. 407. NUMBER AND POWER OF DIRECTORS.] The corporate powers business and property of all corporations formed under this chapter must be exercised, conducted and controlled by a board of not less than three nor more than eleven directors, to be elected from among the holders of stock, or, where there is no capital stock, then from the members of such corporation. Directors of corporations for profit must be holders of stock therein in an amount to be fixed by the by-laws of the corporation. Directors of all other corporations must be members thereof. Unless a quorum is present and acting no business performed or act done is valid as against the corporation. Whenever a vacancy occurs in the office of director, unless the by-laws of the corporation otherwise provide, such vacancy must be filled by an appointee of the board; *Provided*, That the trustees or directors of any private corporation created for religious, educational or benevolent purposes may be elected at such times and in such manner and their qualifications be such as may be provided by the articles of incorporation or by-laws of such corporation.

SEC. 2. That Section 538 of the Civil Code of 1877 be and the same is hereby amended so as to read as follows:

Sec. 538. TRUSTEES—NUMBER.] Persons associated together for religious, educational, benevolent, charitable or scientific purposes may elect trustees or directors, not less than three nor more than twenty-one, and may incorporate themselves as generally provided for in this chapter.

SEC. 3. That all acts and parts of acts in conflict with this act are hereby repealed.

SEC. 4. Whereas an emergency exists, in that there is no adequate or proper law for the incorporation of educational or charitable institutions in connection with, or under the supervision of, other religious, educational or charitable organizations, and it is essential that a law for such purpose be enacted as soon as practicable and long before July 1, 1891. Therefore, an emergency exists, and this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.



Mr. Ink moved

That the report of the Committee on Senate Bill No. 183 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

Senate Bill No. 179,

A bill for an act to amend Section 2027 of Title III of Part II of the Civil Code, being Section 4660 of the Compiled Laws,

Have had the same under consideration and recommend that the same be amended as follows:

#### A BILL

For An Act to Amend Section 2027 of Title III of Part II of the Civil Code.  
*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

SECTION 1. That Section 2027 of Title III of Part II of the Civil Code shall be amended so as to read as follows:

Section 2027. An insolvent debtor may, in good faith, execute an assignment of property to one or more assignees, in trust towards the satisfaction of his creditors in conformity to the provisions of this title; subject, however, to the provisions of this code relative to trusts and to fraudulent transfers, and to the restrictions imposed by law upon assignments by special partnerships, by corporations or by other specified classes or persons; *Provided, moreover,* That such assignment shall not be valid if it be upon, or contain any trust or condition by which any creditor is to receive a preference or priority over any other creditor; but in such case the property of the insolvent shall become a trust fund to be administered in equity in the district court, and shall inure to the benefit of all the creditors in proportion to their respective claims or demands, and, *Provided, further,* That no transaction shall be deemed to be an assignment within the provisions of this chapter, unless the instrument on which it is based shall appear on its face to have been intended by the parties thereto as an assignment.

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Haggart moved

That the report of the committee on Senate Bill No. 179 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have delivered

Senate Bills No. 60, 137, 98, 65, 141, 99, 45, 24, 58,

To the Governor this 24th day of February, 1891, at 2:50 o'clock p. m.

R. N. JNK,  
Chairman.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Kinter moved

That the Senate do concur in the House amendments to Senate Bill No. 100,

Which motion prevailed.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,

Messrs—

Fuller,  
Haggart,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Lowry,  
McCormack, G. F'rks,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Patch,  
Pinkham,  
Svennungesen,  
Svensrud,  
Weiser.

Absent and not voting:

Messrs—

Ink,  
LaMoure,

Messrs—

Little,  
Palmer,

Messrs—

Worst.

Mr. Palmer being excused.

So the bill passed, and the title was agreed to.

The Senate took a recess of ten minutes.

The Senate reassembled.

The Lieutenant Governor in the Chair.

The Senate returned to the seventh order of business.

The committee on Journal correction for the forty-sixth day made the following report

MR. PRESIDENT:

Your special committee appointed to correct the Journal of the forty-sixth day make the following report:

Correct line 11, page 12 [336], by inserting after the word "adopted" the words "which motion prevailed."

On page 10, [334], after the words "State of North Dakota," where they appear in the communication from the Governor, insert the words "also a sealed communication,"

And when so corrected recommend that the Journal be approved.

N. B. PINKHAM,  
Chairman.

Mr. Little moved,  
That a record of Senate confirmations of executive appointments  
be entered upon the Journal,  
Which motion prevailed.

Mr. Pinkham moved  
That the report of the special committee be adopted,  
Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Little moved  
That the rules be suspended and that all senate bills now on  
the secretary's desk be read the first and second times, and referred  
to their proper committees,  
Which motion prevailed.

Mr. Kinter introduced—  
Senate Bill No. 190,  
A bill for an act defining the residence of qualified electors of  
the State of North Dakota,  
Which was read the first and second times, and referred to the  
Committee on Elections.

Mr. Little introduced—  
Senate Bill No. 191,  
A bill for an act to amend Section 28 of the Session Laws of  
1891, approved February 11, 1891, regulating appeals in civil ac-  
tions,  
Which was read the first and second times, and referred to the  
Committee on Judiciary.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, {  
February 24, 1891. }

MR. PRESIDENT:

I have the honor to transmit herewith  
House Bill No. 154,

A bill for an act to provide for the right of erection of grain  
warehouses and elevators on the right of way of railroad corpora-  
tions and contiguous thereto.

Also,  
House Bill No. 175,

A bill for an act for the destruction of noxious weeds, and pre-  
scribing penalties therefor, and for the repeal of an act entitled "An  
act to prevent the spread of noxious weeds in the Territory of  
Dakota," General Laws of 1885, supplement, Dakota Territory,  
and an act entitled "An act to amend Section 1, General Laws  
1885, supplement, relating to noxious weeds," Chapter 102, Ses-  
sion Laws of 1890.

Also,

House Bill No. 172,

A bill for an act authorizing civil townships to issue bonds to procure seed grain for needy farmers resident therein.

Also,

House Bill No. 173,

A bill for an act to amend Sections 2 and 10, Chapter 107 of the General Laws of 1890, entitled "An act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils."

Also,

House Bill No. 174,

A bill for an act to protect fish and to provide for the erection and maintenance of a chute or passage-way over dams erected across the streams of the State and providing penalties and remedies in case of failure.

Which the House has passed and your favorable consideration thereof is respectfully requested.

Also,

A Concurrent Resolution for a memorial to Congress for a law and appropriation for the establishment of a National Scientific Rain Bureau or College,

Which the House has passed, and your concurrence therein is respectfully requested.

Also,

Senate Bill No. 125,

A bill for an act to amend Chapter 62, Laws of 1890,

Which the House has passed unchanged.

Also,

Senate Bill No. 12,

A bill for an act amending an act providing for a uniform system of public schools,

The further consideration of which the House has indefinitely postponed.

J. G. HAMILTON,  
Chief Clerk.

Mr. McCormack of Grand Forks moved

That the rules be suspended and that the Senate proceed to consider the House Concurrent Resolution for a memorial to Congress for a law and appropriation for the establishment of a National Scientific Rain Bureau or College,

Which motion prevailed, and

The resolution was read.

Mr. McCormack of Grand Forks moved

That the Senate do now concur in the resolution.

Mr. McCormick of Ramsey moved

To amend by striking out the figures "\$200,000" and inserting the figures "\$2,000" in lieu thereof,

Which motion prevailed.

The question recurring upon the final passage of the resolution as amended,

The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,

Messrs—

Ink,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Lowry,  
McCormack, G. Fk's.  
McCormick, Ramsey,  
McGillivray,

Messrs—

Miller,  
Nelson,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Arnold,  
Haggart,

Messrs—

Johnson of Traill,  
LaMoure,

Messrs—

Little,  
Palmer.

Mr. Palmer being excused.

So the Concurrent Resolution was adopted.

Mr. McCormack of Grand Forks moved

That the vote by which the resolution was adopted be reconsidered, and that the motion to reconsider be laid upon the table,  
Which motion prevailed.

### THIRD READING OF SENATE BILLS.

Senate Bill No. 135,

A bill for an act to appropriate money for the relief of destitute persons in North Dakota,

Was read the third time.

Mr. Cashel moved

To amend by inserting in line 4, Section 1, after the word "Agriculture," the words "and Labor," and the same amendment in line 2, Section 2,

Which motion prevailed.

Mr. Worst moved

That Section 1, line 2, be amended by striking out the figure "7" after the dollar sign and insert the figure "5" in lieu thereof,  
Which motion was lost.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Ink,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormick, G. F'rks,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Patch,  
Pinkham,  
Svenningsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Arnold,  
Fuller,

Messrs—

Haggart,

Messrs—

Palmer.

Mr. Palmer being excused.

So the bill passed and the title was agreed to.

Mr. Svensrud moved

That the vote by which House Bill No. 135 was passed be reconsidered.

Mr. Worst moved

To lay the motion upon the table,

Which motion prevailed.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
February 24, 1891.

MR. PRESIDENT:

I have the honor to inform the Senate that the House has concurred in the Senate amendments to

House Bill No. 9,

A bill for an act providing facilities for marketing wool.

Also, in the Senate amendments to

House Bill No. 67,

A bill for an act providing for the publication of proposed amendments to the Constitution of the State of North Dakota,

And has passed the bills as so amended.

And to inform the Senate that the House has refused to concur in the Senate amendments to

House Bill No. 25,

A bill for an act to encourage the development of the coal mines of the State, and to determine the kind of coal that shall be used as fuel in the various State institutions,

And requests the Senate to appoint a Conference Committee of two to confer with Messrs. Oliver, White and Holritz of the House on the differences between the respective houses.

J. G. HAMILTON,  
Chief Clerk.

Senate Bill No. 169,  
A bill for an act to provide for the publication of the Session  
Laws,

Was read the third time.

Mr. Bjorgo moved

That further consideration of Senate Bill No. 169 be indefinitely  
postponed.

Roll call demanded.

The roll being called there were ayes 15, nays 13.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Johnson of Traill,	McGillivray,
Bisbee,	Johnson of Ward,	Nelson,
Bjorgo,	Kuhn,	Pinkham,
Brynjolfson,	LaMoure,	Svennungsen,
Eger,	McCormack, G. F <sup>ks</sup>	Svensrud.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Kinter,	Patch,
Bidlake,	Lowry,	Weiser,
Cashel,	McCormick, Ramsey,	Worst.
Haggart,	Miller,	
Ink,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Engle,	Little,	Palmer.
Fuller,		

Mr. Palmer being excused.

So the further consideration of the bill was indefinitely postponed.

Senate Bill No. 186,

A bill for an act providing for an appropriation for the maintenance of the State Normal School at Mayville,

Was read the third time.

Mr. Little moved

That the report of the committee be adopted,  
Which motion prevailed.

Mr. Little moved

That Section 2 be stricken out,  
Which motion prevailed.

The roll being called there were ayes 24, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Johnson of Ward,	Miller,
Bisbee,	Kinter,	Nelson,
Bjorgo,	LaMoure,	Patch,
Engle,	Little,	Pinkham,
Eger,	Lowry,	Svennungsen,

Messrs—  
Haggart,  
Ink,  
Johnson of Traill,

Messrs—  
McCormack, G. F'ks.  
McCormick, Ramsey,  
McGillivray,

Messrs—  
Svensrud,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—  
Almen,

Messrs—  
Brynjolfson,

Messrs—  
Cashel.

Absent and not voting:

Messrs—  
Arnold,  
Fuller,

Messrs—  
Kuhn,

Messrs—  
Palmer.

Mr. Palmer being excused.

So the bill passed, and the title was agreed to.

Mr. Johnson of Traill moved

That the vote by which Senate Bill No. 186 was passed be re-considered.

Mr. LaMoure moved

To lay the motion upon the table,

Which motion prevailed.

Mr. Haggart moved

That the rules be suspended and that House Bill No. 89 be given its first and second reading and proper reference,

Which motion prevailed.

House Bill No. 189,

A bill for an act providing for an appropriation to pay the expenses incurred by the Governor of the State during the recent threatened Indian outbreak,

Was read the first and second times, and referred to the Committee on Appropriations.

Mr. Worst moved

That the rules be suspended and that Senate Bill No. 173 be given its third reading and placed upon its final passage,

Which motion prevailed.

Senate Bill No. 173,

A bill for an act to provide for the appointment of sheep inspectors and to provide for the supervision of sheep in case of infection.

Was read the third time.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 24, nays none.

Those who voted in the affirmative were:

Messrs—  
Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Enger,

Messrs—  
Ink,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormack G. F'k's,  
McGillivray,

Messrs—  
Miller,  
Nelson.  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:



Messrs—

Engle,  
Fuller,  
Haggart,

Messrs—

Johnson of Traill,  
LaMoure,

Messrs—

McCormick, Ramsey,  
Palmer.

Mr. Palmer being excused.

So the bill passed and the title was agreed to.

Mr. Worst moved

That the vote by which Senate Bill No. 173 was passed be reconsidered.

Mr. Ink moved

To lay the motion upon the table,

Which motion prevailed.

Mr. Ink moved

That Senate Bill No. 183 be read the third time and placed upon its final passage,

Which motion prevailed.

Senate Bill No. 183,

A bill for an act to amend Section 2926 of Article 3, Chapter 3, Title II, Part III, and 3136 of Article 14, Chapter 3, Title II, Part III, of the Compiled Laws of 1887 of the State of North Dakota,

Was read the third time.

Mr. Ink moved

That the substitute bill for Senate Bill No. 183, as reported by the Committee on Judiciary, be adopted,

Which motion prevailed.

The question recurring upon the final passage of the substitute.

The roll being called there were ayes 24 nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Enger,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCorinack, G. F'ks,

Messrs—

Miller,  
Nelson,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Engle,  
Fuller,  
Haggart,

Messrs—

LaMoure,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Palmer.

Mr. Palmer being excused.

So the substitute bill passed and the title was agreed to.

Mr. Ink moved

That the vote by which Substitute for Senate Bill No. 183 was passed be reconsidered.

Mr. Nelson moved

That the motion be laid upon the table,

Which motion prevailed.

Senate Bill No. 117,

A bill for an act to amend Section 8 of Chapter 72 of the General Laws of 1890, the same being an act entitled "An act to provide for the incorporation of certain classes of benevolent and charitable institutions."

Was read the third time.

Mr. Little moved

That the report of the committee be adopted,

Which motion prevailed.

Mr. McCormack of Grand Forks moved

To amend by striking out Section 2,

Which motion prevailed.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Ink,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. Forks

Messrs—

McCormick, Ramsey,  
Miller,  
Nelson,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser.

Absent and not voting:

Messrs—

Bisbee,  
Fuller,

Messrs—

Haggart,  
McGillivray,

Messrs—

Palmer,  
Worst.

Mr. Palmer being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 106,

A bill for an act making railroad companies or corporations liable for damages by reason of sparks from locomotives or cars.

Was read the third time.

Mr. Kinter moved

To amend the enacting clause by inserting the words "the State of" before the words "North Dakota,"

Which motion prevailed.

The question recurring upon the final passage of the bill as amended,

Mr. Bidlake moved

That the bill be recommitted to the Committee on Railroads,

Which motion prevailed.

Senate Bill No. 156,

A bill for an act to prohibit the mortgaging of the homestead and of property absolutely exempt under the laws of this State,

Was read the third time.

Mr. Little moved

That the report of the committee be adopted,

Which motion prevailed.

Mr. McCormack of Grand Forks moved

To amend line 5 after the word "mortgage" by inserting the words "or sell,"

Which motion was lost.

Mr. Miller moved

That further consideration of Senate Bill No. 156 be indefinitely postponed,

Which motion prevailed.

Senate Bill No. 166,

A bill for an act entitled "An Act to define and limit the homestead exemption, limiting the value thereof, providing a method of claiming and obtaining the same, regulating the disposition, conveyance and incumbrance thereof, and the disposition, conveyance and reincumbrance of the same in cases of insanity of husband or wife,"

Was read the third time.

Mr. Cashel moved

To amend line 2, Section 1, by striking out the figures "\$5,000" and inserting the figures "\$2,500" in lieu thereof,

Which motion was lost.

The question recurring upon the final passage of the bill,

Mr. LaMoure moved

That the Senate excuse Mr. Arnold from voting on the bill,

Which motion was lost.

The roll being called there were ayes 20, nays 5.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Engle,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Lowry,

Messrs—

McCormack, G. Fks,  
Nelson,  
Patch,  
Pinkham,  
Svenningsen,  
Svensrud.

Those who voted in the negative were:

Messrs—

Brynolfson,  
Cashel,

Messrs—

Enger,  
Weiser,

Messrs—

Worst.

Absent and not voting:

Messrs—

Fuller,  
Little,

Messrs—

McCormick, Ramsey,  
McGillivray,

Messrs—

Miller,  
Palmer.

Mr. Palmer being excused.

So the bill passed, and the title was agreed to.

Mr. McCormack of Grand Forks moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

## FIFTY-FIRST DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 25, 1891.

The Senate met pursuant to adjournment at 2:00 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by Rev. E. P. LaCell.

Roll called.

All members present.

Mr. Svensrud moved

That the reading of the Journal be dispensed with, and that a committee be appointed to correct the same,

Which motion prevailed.

The President appointed as such committee Messrs. McCormack of Grand Forks and Bjorgo.

## PETITIONS AND COMMUNICATIONS.

Mr. Arnold presented the following petition:

At a meeting of the Grand Forks Fire Department, held February 18, 1891 the following resolutions were unanimously adopted:

WHEREAS, The volunteer firemen of the State of North Dakota are always ready to respond to the call of duty, and at the first alarm rush to the scene of conflagration, alike in sunshine and in storm, in heat and cold, by day and by night, to rescue from the devouring flames the property and lives of their fellow-citizens; and

WHEREAS, They do this without reward or hope of reward, save in the consciousness of doing good; and

WHEREAS, They daily risk their lives and limbs in the discharge of their duties; and deeming them entitled to some consideration and encouragement, therefore be it

*Resolved*, That we, the volunteer firemen of Grand Forks city, in convention assembled, respectfully request and urge our representatives in the Legislature to use all honorable means in their power to secure the passage of Senate Bill No. 113 and House Bill No. 182, and that a copy of these resolutions be transmitted to our representatives at Bismarck.

J. B. WINEMAN, President.  
W. O. PALMER, Secretary,  
Grand Forks Fire Department.

The communication was referred to the Committee on Appropriations.

Mr. Bisbee presented the following communication from Towner county:

A large number of farmers attended Chairman Lewis' appointment last Thursday, and presented their applications for grain for seed and feed, from which it was learned that the following amounts of each would be required: Wheat 4,630 bushels; oats for seed, 4,250 bushels; same for feed, 1,200 bushels. As there is a great number who need assistance that did not attend, it is safe to estimate that 50 per cent. should be added to the above amounts.

At the meeting the following memorial, to be addressed to Congress and the State Legislature, was adopted:

The undersigned, citizens and practical farmers of Towner county, N. D., would respectfully represent to your honorable body, that owing to the whole or partial failure of crops for the past three years, we are destitute of seed grain for the season of 1891, and feed for our working animals to sow and cultivate the same, and ask that a public appropriation be made by your honorable body of a sufficient amount of public funds to supply the seed grain and feed requisite for the purpose of sowing and cultivating our land for the present year.

JOHN F. MOYLAN,  
and 75 others.

The petition was referred to the Committee on Agriculture.

Mr. Bjorgo presented the following petition:

WHEREAS, The volunteer firemen of the State of North Dakota are always ready to respond to the call of duty, and at the first alarm rush to the scene of conflagration, alike in sunshine and in storm, in heat and cold, by day and by night to rescue from the devouring flames, the property and lives of their fellow citizens; and

WHEREAS, They do this without reward or hope of reward save in the consciousness of doing good; and

WHEREAS, They daily risk their lives and limbs in the discharge of their duties, and deeming them entitled to some consideration and encouragement; therefore be it

Resolved, That we the volunteer firemen of Grand Forks city in convention assembled respectfully request and urge our Representatives in the Legislature to use all honorable means in their power to secure the passage of Senate Bill No. 113, and House Bill No. 182, and that a copy of these resolutions be transmitted to our Representatives at Bismarck.

J. B. WINEMAN,  
President.

The petition was referred to the Committee on Appropriations.

#### REPORTS OF STANDING COMMITTEES.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred  
Senate Bill No. 160,

A bill for an act to provide for the payment of the salaries of county officers monthly, and for other purposes,

Have had the same under consideration and recommend that the same be indefinitely postponed.

JAMES JOHNSON,  
Chairman.

The Committee on Public Health made the following report:

MR. PRESIDENT:

Your Committee on Public Health to whom was referred  
Senate Bill No. 44,

A bill for an act to amend Sections 4 and 10 of Chapter 185,  
"An Act to prevent the spread of contagious and infectious diseases among domestic animals," approved March 29, 1890,

Have had the same under consideration and recommend that the same do not pass.

S. B. BRYNJOLFSON,  
Chairman.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred  
Senate Bill No. 175,

A bill for an act to prevent trespass and the spread of noxious weeds,

Have had the same under consideration and recommend that the same be amended as follows:

Amend Section 2, in line 23, by striking out the word "twenty" and insert in lieu thereof the word "ten."

Amend line 24 by striking out the words "one hundred" and insert in lieu thereof the word "fifty,"

And when so amended recommend that the same do pass.

A. SVENSRUD,  
Chairman.

Mr. Svensrud moved

That the report of the committee on Senate Bill No. 175 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Temperance made the following report:

MR. PRESIDENT:

Your Committee on Temperance to whom was referred  
Senate Bill No. 176,

A bill for an act defining and providing for the punishment of the crime of adultery,

Have had the same under consideration and recommend that the same be amended as follows:

In line 2, Section 2, strike out the word "five" and insert in lieu thereof the word "three"

In line 3, Section 2, strike out the word "ten" and insert in lieu thereof the word "five."

In line 4 strike out all after the figures \$10,000, and strike out all of line five.

In line 3 strike out the word "and" and insert the word "or," and in line 4, after the figures \$10,000, insert the words: "or both such fine and imprisonment."

And when so amended recommend that the same do pass.

JOHN ALMEN,  
Chairman.

Mr. Almen moved

That the report of the committee on Senate Bill No. 176 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Railroads made the following report

MR. PRESIDENT:

Your Committee on Railroads to whom was referred  
Senate Bill No. 126,

A bill for an act to amend Section 2 of Chapter 124 of the General Laws of 1890, entitled "An act relating to the shipment of live stock and grain,"

Have had the same under consideration and recommend that the same be amended as follows:

Amend line 21, Section 2, printed bill, by striking out the figures "120" after the word "within," and insert in lieu thereof the figures "90."

After the word "the," same line, strike out the words "passage and approval," and insert in lieu thereof the words "taking effect."

Amend line 25, after the word "of," by inserting the words "one kind of."

In same line, after the word "grain," strike out the words "or other commodities not classed as perishable goods."

Amend line 28 by inserting after the word "any," the word "such."

Amend line 33 by striking out the word "alike" and insert in lieu thereof the words "the same."

Strike out the words "and of a like quality" in lines 33 and 34.

And when so amended recommend that the same do pass.

R. J. JOHNSON,  
Chairman.

Mr. Johnson of Ward moved

That the report of the committee on Senate Bill No. 126 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred  
Senate Bill No. 113,

A bill for an act providing for an appropriation for the annual tournament of the North Dakota Firemen's Association,

Have had the same under consideration, and recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

The Committee on Judiciary made the following report:

**MR. PRESIDENT:**

Your Committee on Judiciary to whom was referred  
Senate Bill No. 189.

A bill for an act to amend Sections 1 and 2 of Chapter 63, of  
the General Laws of 1883,

Have had the same under consideration and recommend that  
the same do pass.

Also,

Senate Bill No. 187,

A bill for an act to amend Section 160 of the Civil Code,

And recommend that it be amended by striking out Section 2  
of said bill,

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved

That the report of the committee on Senate Bill No. 189 be  
adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and En-  
rolled Bills.

The Committee on Appropriations made the following report:

**MR. PRESIDENT:**

Your Committee on Appropriations to whom was referred  
House Bill No. 189,

A bill for an act providing for an appropriation to pay the ex-  
penses incurred by the Governor of the State during the recent  
threatened Indian outbreak,

Have had the same under consideration and recommend that  
the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Haggart moved

That the rules be suspended and that House Bill No. 189 be  
read the third time and placed upon its final passage,

Which motion prevailed.

House Bill No. 189,

A bill for an act providing for an appropriation to pay the ex-  
penses incurred by the Governor of the State during the recent  
threatened Indian outbreak,

Was read the third time.

Mr. Little moved

To adopt the report of the committee,

Which motion prevailed.

The question recurring upon the final passage of the bill,

The roll being called, there were ayes 31, nays none.



Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Eugle,  
Euger,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F'ks,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svenningsen,  
Svensrud,  
Weiser,  
Worst.

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which House Bill No. 189 was passed be re-considered.

Mr. Little moved

To lay the motion on the table.

Which motion prevailed.

Mr. Haggart moved

That Hon. E. S. Tyler be invited to a seat within the bar of the Senate,

Which motion prevailed.

The Senate returned to the fifth order of business.

Mr. Little presented the following petition:

*Hon. C. B. Little:*

DEAR SIR: At a mass meeting of the members of Bismarck Volunteer Fire Department the following preamble and resolutions were unanimously adopted:

WHEREAS, The volunteer firemen of the State of North Dakota, in responding to the calls of duty, risk their lives and limbs; and deeming themselves entitled to some consideration and encouragement, therefore, be it

*Resolved*, That we, the volunteer firemen of the city of Bismarck, N. D., in convention assembled, respectfully request our Senator and Representatives to use all honorable means in their power to secure the passage of Senate Bill No. 113 and House Bill No. 182, and that a copy of these resolutions be transmitted to our Senator and Representatives.

W. F. DUNLAP,  
Secretary.

CHAS. S. GOODRICH,  
Chairman.

Bismarck, N. D., February 24, 1891.

The petition was referred to the Committee on Appropriations.

Mr. Kinter moved

That the rules be suspended and that House Bills No. 20 and 104 and Senate Bill No. 122 be given their third reading and placed upon their final passage,

Which motion prevailed, and

Senate Bill No. 122,

A bill for an act to regulate the use of marks and brands and trade marks,

Was read the third time.

Mr. Little moved

That the report of the committee be adopted,  
Which motion prevailed.

Mr. Worst moved

To amend by inserting after the word "Chapter" in line 7, Section 9, the figures "37,"

Which motion prevailed.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 29, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidleke,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F'ks,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svenningsen,  
Svensrud,  
Worst.

Absent and not voting:

Messrs—

Haggart,

Messrs—

McCormick, Ramsey,

Messrs—

Weiser.

So the bill passed, and the title was agreed to.

House Bill No. 20,

A bill for an act to amend Section 1 of Chapter 108 of the laws of North Dakota regulating the practice of pharmacy,  
Was read the third time.

Mr. Worst moved

That the report of the committee be adopted,  
Which motion prevailed.

Mr. Cashel moved

To amend by inserting in line 4, following the word "pharmacist," the words: "or a legally practicing physician," and in line 7 following the same word insert "or physicians as stated,"

Which motion prevailed.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 12, nays 17.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Cashel,  
Enger,

Messrs—

Ink,  
Johnson of Traill,  
Kinter,  
Little,

Messrs—

Lowry,  
Patch,  
Pinkham,  
Svensrud.

Those who voted in the negative were:

Messrs—

Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Engle,  
Fuller,

Messrs—

Johnson of Ward,  
Kuhn,  
LaMoure,  
McCormick, G. Fk's,  
McCormick, Ramsey,  
McGillivray,

Messrs—

Miller,  
Nelson.  
Palmer,  
Svenningsen,  
Worst.

Messrs. Haggart and Weiser being absent and not voting,  
So the bill was lost.

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on Ways and Means to whom was referred  
House Bill No. 179,

A bill for an act for the equitable adjustment and settlement  
of the delinquent taxes due to the State from the several counties.

Have had the same under consideration and recommend that  
the same do pass.

Also,

Senate Bill No. 182,

A bill for an act authorizing the levy of State tax,

And recommend that the same do pass.

JUDSON LAMOURE,  
Chairman.

House Bill No. 104,

A bill for an act amending Chapter 93 of the Laws of the State  
of North Dakota for the year A. D. 1890, being an act to regulate  
the practice of medicine in the State of North Dakota; to license  
physicians, surgeons, obstetricians, and to punish persons vio-  
lating the provisions thereof,

Was read the third time.

Mr. Little moved

That the report of the committee be adopted,

Which motion prevailed.

Mr. LaMoure moved

That the bill be recommitted,

Which motion prevailed, and

The bill was recommitted to the Committee on Public Health.

#### REPORTS OF SPECIAL COMMITTEES.

The Committee on Journal Correction for the forty-seventh day  
made the following report:

MR. PRESIDENT:

Your Special Committee appointed to correct the Journal of  
the forty-seventh day make the following report:

Correct line 13 from the bottom on page 1 [352] by inserting  
after the word "act" and before the word "providing" the follow-  
ing words, "entitled an act to"; also, amend in same line by  
changing the word "providing" to "provide."

Also, on page 8 [358] in line 16 from the top insert after the word "act" the words "entitled an act."

And when so corrected recommend that the Journal be approved.

JOSEPH MILLER,  
Chairman.

Mr. Little moved

That the report of the committee be adopted, and the Journal approved,

Which motion prevailed.

Mr. Kuhn moved

That the vote by which Senate Bill 169 was lost be reconsidered,

Which motion prevailed.

Mr. Kinter moved

To amend line 11, Section 1, by striking out the words and figures "thirty-five (35)" and inserting the words and figures "twenty-five (25)" in lieu thereof,

Which motion was lost.

Mr. McCormack of Grand Forks moved

To amend line 11 by striking out the figures "\$35" and inserting in lieu thereof the figures "\$100,"

Which motion was lost.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 19, nays 10.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Cashel,  
Engle,  
Fuller,  
Haggart,  
Ink,

Messrs—

Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormick, Ramsey,  
McGillivray,

Messrs—

Miller,  
Nelson,  
Palmer,  
Patch,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—

Almen,  
Bisbee,  
Bjorgo,  
Brynjolfson,

Messrs—

Enger,  
Johnson of Ward,  
McCormack of G Fks,

Messrs—

Pinkham,  
Svennungsen,  
Svensrud.

Messrs. Johnson of Traill, and LaMoure being absent and not voting.

So the bill passed, and the title was agreed to.

The Senate returned to the seventh order of business.

The Conference Committee on Senate Bill No. 66 made the following report:

MR. PRESIDENT:

Your Conference Committee to whom was referred  
Senate Bill No. 66,

A bill for an act for an appropriation for the current expenses for the Asylum at Jamestown for the Insane, and for making needed permanent improvements,

Have had the same under consideration and recommend that the same, as amended by the House, do pass.

JOHN BIDLAKE,  
Chairman.

Mr. Fuller moved

That the report of the Conference Committee be adopted,  
Which motion prevailed.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 27, nays 3.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Bjorgo,  
Cashel,  
Engle,  
Enger,  
Fuller,  
Haggart,  
Ink,

Messrs—

Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. Fks,  
McCormick, Ramsey,  
McGillivray,

Messrs—

Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—

Almen,

Messrs—

Bisbee,

Messrs—

Brynjolfson.

Mr. Johnson of Traill being absent and not voting.

So the bill passed and the title was agreed to.

#### COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }  
February 25, 1891. }

*To the President of the Senate:*

I have the honor to inform you that I have this day approved the following bills:

Senate Bill No. 45,

An act entitled "An act to prevent the branding of horses, mules, asses and cattle during certain seasons of the year."

Also,

Senate Bill No. 24,

An act giving power to county commissioners to dispose of real estate bid in, in the name of the county at tax sales.

Very respectfully,

ANDREW H. BURKE,  
Governor.

A sealed communication was also received from the Governor.

Mr. McGillivray moved

That the Senate do now go into executive session for the purpose of considering the sealed communication from the Governor,

Which motion prevailed, and

The Senate went into executive session.

In executive session the following nominations of the Governor were confirmed:

Board of Trustees for the Hospital for the Insane at Jamestown: James R. Smith, Wheatland, for the period of four years; J. Lonne, Hillsboro, for the period of four years; George Auld, Dickinson, for the period of two years; F. B. Francher, Jamestown, for the period of four years; Gustav Lieber, Jamestown, for the period of two years.

Superintendent of Public Health for the State of North Dakota: F. H. DeVaux, Valley City, to fill the vacancy occasioned by the resignation of Henry W. Coe, recently appointed.

Henry A. Armstrong, Williamsport, as member of the Board of Trustees for the Reform School at Mandan, to fill the vacancy occasioned by the resignation of H. R. Lyon, recently appointed.

The Senate took a recess of ten minutes.

The Senate reassembled.

Mr. Engle moved

That the rules be suspended and that House Bill No. 177 be read the first and second times, and referred to its proper committee,

Which motion prevailed, and

House Bill No. 177,

A bill for an act defining the criminal jurisdiction of county courts having criminal and civil jurisdiction, and providing for the practice and procedure therein and to provide clerk hire therefor,

Was read the first and second times, and referred to the Committee on Judiciary.

The Senate returned to the 6th order of business.

The Committee on Elections made the following report:

Mr. PRESIDENT:

Your Committee on Elections to whom was referred Senate Bill No. 178,

A bill for an act providing for printing and distributing ballots at public expense, and to regulate voting at all general elections, except municipal, town or school elections,

Have had the same under consideration and recommend that the same be amended as follows:

Amend line 2, Section 1 of printed bill by inserting after the word "municipal" the word "and;" after the word "town" by inserting the word

"officers," and after the words "school officers" by inserting the words "except Superintendent of Public Instruction."

Amend line 10, Section 3 by inserting after the word "Convention" the words "by registered letter or in person without charge."

Amend line 9, Section 5 by striking out the word "fifty" and inserting in lieu thereof the words "one hundred."

Amend line 10, Section 10 by striking out the word "such" and inserting in lieu thereof the word "each."

Amend line 4, Section 13 by inserting after the word "printed" the word "on."

Amend line 5, Section 13 by inserting after the word "stickers" the words "the name of such substituted candidate and no other name."

Amend line 7, Section 13 by striking out the words "interested in such election" and inserting in lieu thereof the words "affected by said vacancy."

Amend line 7, Section 15 by inserting after the word "respective" the word "county."

Amend line 1, Section 16, by striking out the word "overseers" and inserting in lieu thereof the word "supervisors."

Amend line 7, Section 16, by striking out the word "aldermen" and inserting in lieu thereof the words "senior alderman," and by striking out the word "inspectors" and inserting in lieu thereof the word "inspector."

Amend line 8, Section 16, by striking out the word "precincts" and inserting in lieu thereof the word "precinct," and by striking out the words "they severally represent" and inserting in lieu thereof the words "he represents."

Amend line 9, Section 16, by striking out the word "the" and inserting in lieu thereof the word "incorporated," and by inserting after the word "village" the words "board of trustees," and by striking out the word "sit" and inserting in lieu thereof the word "act."

Amend line 18, Section 16, by striking out the word "designate" and inserting in lieu thereof the word "nominate."

Amend line 19, Section 16, by inserting after the word "prescribed" the words "and upon presenting certificate of such nomination signed by said chairman," and by inserting after the word "appointed" the words "by the inspector."

Amend line 31, Section 16, by striking out the words "judge of the district court" and inserting in lieu thereof the words "state's attorney."

Amend line 3, Section 18, by inserting after the word "precinct" the words "in packages or blocks containing 150 ballots each," and after the word "the" by inserting the word "county."

Amend line 6, Section 18, by inserting after the word "precinct" the words "Provided, That if the electors of any precinct have materially increased, then such auditor may provide in the same proportion the necessary additional ballots, according to the best information obtainable."

Amend line 21, Section 18, by adding after the word "necessary" the words "to carry out the provisions of the election laws."

Amend line 5, Section 20, by inserting after the word "printed" the words "or more, as provided for in Section 18 of this act."

Amend line 20, Section 20, by striking out the words "and other election laws of this State."

Amend line 3, Section 21, by striking out the word "book" and inserting in lieu thereof the word "package."

Amend line 4, Section 21, by striking out the word "before" and inserting in lieu thereof the word "heretofore."

Amend line 5, Section 22, by inserting after the word "from" the word "outside."

Amend line 6, Section 22, by inserting after the word "rail" the words "with an opening."

Amend line 7, Section 22, by striking out the word "twenty" and inserting in lieu thereof the word "ten."

Amend line 10, Section 22, by striking out the word "registered," and by striking out the words "or voting at the last preceding election" and inserting

in lieu thereof the words "No election shall be held in a room in which spirituous or malt liquors are commonly sold."

Amend Section 22 by striking out lines 11, 12 and 13.

Amend line 14, Section 22, by striking out the words "section," "No person other than electors," and inserting in lieu thereof the words "Not more than one elector for each booth."

Amend line 15, Section 22, by striking out the words "and in no case shall more than two persons" and inserting in lieu thereof, "shall be permitted within the railing at one time, one challenger appointed and designated from each."

Amend Section 22 by striking out the lines 16, 17, 18, 19, 20, 21, 22, 23," and inserting in lieu thereof the words "of the political party organizations shall be entitled to stand at the opening of the railing on the outer side. If any person offering to vote shall be challenged by one of such challengers or by any one of the election board, unless such challenge be withdrawn, he shall stand aside and shall not vote unless he makes affidavit in writing that he is a legally qualified elector of the precinct."

Amend line 24, Section 22, by striking out the words "his or their ballots,"

Amend line 14, Section 24, by inserting after the word "place" the words "and after voting he shall immediately leave the room."

Amend line 32 Section 37, by inserting after the word "them" the word "each."

Amend line 2, Section 40, by adding to the end thereof after the words, "5 o'clock p. m." the words: "twenty minutes prior to 5 o'clock p. m. the inspector shall proclaim to the electors outside the number of minutes before the polls will be closed, and that such closing will be precisely at 5 o'clock p. m."

Amend line 5, Section 24, by striking out the period (.) after the word "vote" and insert a comma (,) in lieu thereof, also by striking out the comma after the "X" and inserting a semi-colon (;) in lieu thereof.

Amend line 18, of Section 24, by striking out the period (.) after the word "erased" and inserting a comma (,) in lieu thereof, and further amend said line by adding the words: "the former provisions of this section notwithstanding."

H. F. ARNOLD,  
Chairman.

Mr. Worst moved

That the report of the Committee on Senate Bill No. 178 be adopted,

Which motion prevailed.

The President announced his signature to

House Bill No. 9,

A bill for an act to provide facilities for marketing wool.

Also,

House Bill No. 29,

A bill for an act providing for extension of the time for the payment of the taxes for the year 1890.

Also,

House Bill No. 67,

A bill for an act to provide for the publication of proposed amendments to the Constitution of the State of North Dakota, fixing the rates of compensation therefor, and providing how said compensation shall be made.

Also,

House Bill No. 106,



A bill for an act to amend Section 6 of an act entitled "An act authorizing counties to procure seed grain for needy farmers resident therein," Chapter 152 of the Session Laws of North Dakota, 1890, and to re-enact the same as so amended.

Also,

House Bill No. 136,

A bill for an act appropriating money for the maintenance of the public offices of the State.

Mr. McCormick of Ramsey moved

That the rules be suspended, and that Senate Bills Nos. 47 and 179 be read the third time and placed upon their final passage,

Which motion prevailed, and

Senate Bill No. 47,

A bill for an act to establish a standard of weights and measures for the State of North Dakota, and providing penalties for the violation thereof,

Was read the third time.

Mr. Johnson of Ward moved

To amend by striking out the words "county treasurer" wherever they may appear, and inserting the word "sheriff" in lieu thereof.

Which motion was lost.

Mr. Worst moved

To amend by striking out all after the word "court" in line 38. Section 11,

Which motion prevailed.

The question recurring upon the final passage of the bill as amended.

The roll being called there were ayes 25, nays 2.

Those who voted in the affirmative were:

Messrs—

Almen,  
Bidlake,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,  
Haggart,  
Ink,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F'rks,

Messrs—

McCormick, Ramsey,  
Miller,  
Palmer,  
Patch,  
Svenningsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Arnold,  
McGilivray,

Messrs—

Nelson,

Messrs—

Pinkham.

Messrs. Bisbee and Bjorgo voting in the negative.

So the bill passed, and the title was agreed to.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
February 25, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 61,

A bill for an act providing a fund for the construction and maintenance of the State Normal School at Valley City,

Which the House has passed unchanged.

J. G. HAMILTON,  
Chief Clerk.

Senate Bill No. 179,

A bill for an act to amend Section 2027 of Title III of Part II of the Civil Code, being Section 4660 of the Compiled Laws,

Was read the third time.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack of G F's

Messrs—

McCormick, Ramsey,  
McGillivray,  
Miller,  
Palmer,  
Patch,  
Svennungesen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Arnold,

Messrs—

Nelson,

Messrs—

Pinkham.

So the bill passed and the title was agreed to.

Mr. Miller moved

That the rules be suspended and that Senate Bill No. 155 be read the third time and placed upon its final passage,

Which motion prevailed, and

Senate Bill No. 155,

A bill for an act providing for the returns and records of births, marriages and deaths and compilation of statistics relating thereto.

Was read the third time.

Mr. Worst moved

That the report of the committee be adopted,

Which motion prevailed.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Enger,  
Ink,  
Johnson, of Traill,

Messrs—

Johnson, of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F<sup>cs</sup>,  
McGilavray

Messrs—

Miller,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Arnold,  
Engle,

Messrs—

Fuller,  
Haggart,

Messrs—

McCormick, Ramsey,  
Nelson.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
February 25, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 48,

A bill for an act making an appropriation to carry out the provisions of Chapter 188 of the Laws of 1890, being an act entitled "An act to regulate warehouses, inspection, weighing and handling of grain."

Also,

Senate Bill No. 59,

A bill for an act providing for the erection of buildings for the State Normal School at Mayville, North Dakota, and the contingent expenses incident to the construction thereof.

Also,

Senate Bill No. 72,

A bill for an act appropriating money for the erection of buildings for the State Reform School of Mandan, Morton county, North Dakota, and for the contingent expenses incident thereto.

Also,

Senate Bill No. 140,

A bill for an act providing for an appropriation for the erection of building for the North Dakota Academy of Science at Wahpeton, North Dakota, and the contingent expenses incident to the construction thereof.

Which were lost on passage, and which are returned to the Senate under the provisions of Rule 2 of the Joint Rules governing the Senate and the House.

J. G. HAMILTON,  
Chief Clerk.

Mr. Worst moved

That the rules be suspended and that all House Bills on the Secretary's desk be read the first and second times and be referred to their proper committees,

Which motion prevailed.

Mr. Miller moved

That the vote by which House Bill No. 155 was passed be reconsidered.

Mr. Worst moved

To lay the motion upon the table,  
Which motion prevailed.

The President pro tem in the Chair.

House Bill No. 100,

A bill for an act to protect stock raisers and promote the breeding of improved live stock within the State of North Dakota, and to provide a lien for the service of sires.

Was read the first and second times, and referred to the Committee on Stock.

House Bill No. 154,

A bill for an act to provide for the right of erection of grain warehouses and elevators on the right of way of railroad corporations and contiguous thereto,

Was read the first and second times, and referred to the Committee on Warehouse and Grain Grading.

House Bill No. 172,

A bill for an act authorizing civil townships to issue bonds to procure seed grain for needy farmers resident therein,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 173,

A bill for an act to amend Sections 2 and 10, Chapter 107 of the General Laws of 1890, entitled "An act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils,"

Was read the first and second times, and referred to the Committee on State Affairs.

House Bill No. 174,

A bill for an act to protect fish and to provide for the erection and maintenance of a chute or passage-way over dams erected across the streams of the State and providing penalties and remedies in case of failure,

Was read the first and second times, and referred to the Committee on State Affairs.

House Bill No. 175,

A bill for an act for the destruction of noxious weeds and pre-

scribing penalties therefor, and for the repeal of an act entitled "An Act to prevent the spread of noxious weeds in the Territory of Dakota," General Laws of 1885, Supplement, Dakota Territory, and an act entitled "An Act to amend Section 1, General Laws of 1885, Supplement," relating to noxious weeds, Chapter 102, Session Laws of 1890,

Was read the first and second times, and referred to the Committee on Agriculture.

House Bill No. 176,

A bill for an act to amend Section 2 of Chapter 149, Laws of 1890, "An Act prescribing the great seal of the State of North Dakota, and the official seal of all courts and officers of the State who are authorized to use a seal,"

Was read the first and second times, and referred to the Committee on State Affairs.

House Bill No. 177,

A bill for an act defining the criminal jurisdiction of county courts,

Was read the first and second times, and referred to the Committee on Judiciary.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
February 25, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 184,

A bill for an act providing an appropriation for manufacture of potato starch in the State of North Dakota,

Which has passed the House, and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

#### INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Svensrud introduced—

Senate Bill No. 192,

A bill for an act to provide for the furnishing by contract to the rate payers of the several counties of the State printed copies of the reports of proceedings of meetings of the board of county commissioners and of reports of officials of the respective counties,

Which was read the first and second times, and referred to the Committee on Judiciary.

#### THIRD READING OF SENATE BILLS.

Senate Bill No. 90,

A bill for an act defining usury, making the taking of usury a

misdeemeanor, also the assignment or disposition of usurious contracts, and providing penalty therefor,

Was read the third time.

Mr. Kinter moved

That the report of the committee be adopted,

Which motion prevailed.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 16, nays none.

Those who voted in the affirmative were:

Messrs—

A'men,  
Arnold,  
Brynjolfson,  
Enger,  
Johnson of Ward,  
Kinter,

Messrs—

Kuhn,  
Lowry,  
McCormack of G. Fks,  
McGillivray,  
Miller,

Messrs—

Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser.

Absent and not voting:

Messrs—

Bidlake,  
Bisbee,  
Bjorgo,  
Cashel,  
Engle,

Messrs—

Fuller,  
Haggart,  
Ink,  
Johnson of Traill,  
LaMoure,

Messrs—

Little,  
McCormick, Ramsey,  
Nelson,  
Palmer,  
Worst.

So the bill passed, and the title was agreed to.

Mr. Ink moved

That further consideration of Senate Bill No. 42 be indefinitely postponed,

Which motion prevailed.

Mr. Ink moved

That further consideration of Senate Bill No. 64 be indefinitely postponed,

Which motion prevailed.

Senate Bill No. 75,

A bill for an act relating to encumbrance on growing crop,

Was read the third time.

Mr. McCormack of Grand Forks moved

That further consideration of the bill be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes 10, nays 15.

Those who voted in the affirmative were:

Messrs—

Bidlake,  
Brynjolfson,  
Cashel,  
Enger,

Messrs—

McCormack, G Forks  
McGillivray,  
Miller,

Messrs—

Palmer,  
Svennungsen,  
Svensrud.

Those who voted in the negative were:

Messrs—

Almen,  
Arnold,  
Bisbee,  
Engle,  
Ink,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Lowry,

Messrs—

McCormick, Ramsey,  
Patch,  
Pinkham,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Bjorgo,  
Fuller,

Messrs—

Haggart,  
LaMoure,

Messrs—

Little,  
Nelson.

So the motion was lost.

Mr. McCormack of Grand Forks moved

To amend by striking out all after the enacting clause.

Mr. Ink moved as a substitute

To amend line 4 by making it read: "The seeding of the same for clothing and provisions for himself and family and feed for his stock,"

Which substitute motion was lost.

The question recurring upon the motion of Mr. McCormack,

Mr. LaMoure moved

To amend the amendment by striking out the enacting clause.

Mr. Svensrud moved as a substitute for the amendment

That Section 1, line 2, be amended by adding after the word "grain" the words "for more than one year;" also by striking out after the word "grain." line 2, Section 1, the letters "ex" and all of lines 3 and 4.

Roll call demanded.

The roll being called there were ayes 21, nays 8.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bisbee,  
Brynjolfson,  
Engle,  
Enger,  
Fuller,  
Ink,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack of G.Fk's

Messrs—

McGillivray,  
Miller,  
Palmer,  
Patch,  
Svenningsen,  
Svensrud,  
Weiser.

Those who voted in the negative were:

Messrs—

Almen,  
Bidlake,  
Bjorgo,

Messrs—

Cashel,  
Kinter,  
McCormick, Ramsey,

Messrs—

Pinkham,  
Worst.

Messrs. Haggart and Nelson being absent and not voting.

So the substitute motion prevailed.

Mr. McGillivray moved

That further consideration of Senate Bill No. 75 be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes 8, nays 20.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Kuhn,	McGillivray,
Cashel,	Lowry,	Worst.
Fuller,	McCormack, G. F <sup>ks</sup> ,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Almen,	Johnson of Traill,	Palmer,
Arnold,	Johnson of Ward,	Patch,
Bisbee,	Kinter,	Pinkham,
Brynjolfson,	LaMoure,	Svenningsen,
Engle,	Little,	Svensrud,
Enger,	McCormick, Ramsey,	Weiser.
Ink,	Miller,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bjorgo,	Haggart,	Nelson.

So the motion to indefinitely postpone was lost.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 22, nays 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Johnson of Traill,	Miller,
Arnold,	Johnson of Ward,	Palmer,
Bisbee,	Kinter,	Patch,
Brynjolfson,	LaMoure,	Pinkham,
Engle,	Little,	Svenningsen.
Enger,	Lowry,	Svensrud,
Fuller,	McCormick, Ramsey,	Weiser.
Ink,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Kuhn,	McGillivray,
Cashel,	McCormack, G F <sup>ks</sup> ,	Worst.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bjorgo,	Haggart,	Nelson.

So the bill passed, and the title was agreed to.

Mr. Svensrud moved

That the vote by which Senate Bill No. 75 was passed be reconsidered.

Mr. McCormick of Ramsey moved

To lay the motion upon the table,  
Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:



HOUSE OF REPRESENTATIVES, }  
February 25, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 187,

A bill for an act to legalize oaths and acknowledgments taken by registers of deeds, township clerks and notaries public.

Also,

House Bill No. 180,

A bill for an act to amend Section 1, Chapter 36, of the General Laws of 1889, entitled, "An act declaring the admissibility of the Compiled Laws of 1887, as legal evidence of the General Statutes of Dakota Territory,"

Both of which have passed the House and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 61,

A bill for an act to provide funds for the construction and maintenance of the State Normal School at Valley City,

And find the same correctly engrossed and enrolled.

R. N. INK,  
Chairman.

Mr. McGillivray moved

That a conference committee of two members of the Senate be appointed to confer with the members of the House Conference Committee on House Bill No. 25,

Which motion prevailed.

The President announced the appointment of Messrs. Little and McGillivray as such conference committee on the part of the Senate.

Mr. Bidlake moved

That the courtesies of the floor be extended to Hon. C. B. C. Doherty,

Which motion prevailed.

Mr. Lowry moved

That the Senate do now adjourn.

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

## FIFTY-SECOND DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 26, 1891.

The Senate met pursuant to adjournment at 2:00 o'clock p. m.

The President pro. tem. presiding.

Prayer by the Chaplain.

Roll called.

All members present, except Mr. Nelson, who was excused.

Mr. Kinter moved

That the reading of the Journal be dispensed with, and that a committee be appointed to correct the same,

Which motion prevailed.

The President appointed as such committee Messrs. Kuhn and Enger.

## PETITIONS AND COMMUNICATIONS.

Mr. Weiser presented the following petition:

*To the Honorable J. S. Weiser and Frank White, representing the people of the County of Barnes in the Legislature of North Dakota, Second Session:*

Do most respectfully petition your honored sirs to use all possible endeavors and possible means to so amend the present prohibition law so as to strike out the clauses of confiscation of property owned by the people and honest citizens of this State.

Second. That portion relating to imprisonment for a violation of said law except so far as for failure to pay fines imposed.

JOHN HOLMES,  
and 302 others.

The petition was referred to the Committee on Temperance.

## REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred  
Substitute for House Bill No. 113.

A bill for an act to amend Sections 11 and 13 of Chapter 152 of the Session Laws of 1890, entitled "An act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein, and to repeal Section 12 of the same act,"

Have had the same under consideration and recommend that the same be amended as follows:

Strike out in lines 31 and 32 of Section 2 of said bill the words "to pay the debt aforesaid."

Also, change Section 4 to Section 3, and Section 5 to Section 4. And when so amended recommend that the same do pass.

Also,

Senate Bill No. 181,

A Concurrent Resolution to amend Section 158 of the Constitution of the State of North Dakota,

And recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Kinter moved

That the report of the Committee on House Bill No. 113 be adopted,

Which motion prevailed.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred

Senate Bill No. 128,

A bill for an act to amend Section 2, Chapter 38 of the General Laws of 1890, entitled "An act authorizing counties to build all bridges within the county limits wherein the cost of the construction of the same exceeds the sum of \$100,"

Have had the same under consideration, and recommend that the same do not pass.

JAMES JOHNSON,  
Chairman.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred

House Bill No. 174,

A bill for an act to protect fish and to provide for the erection and maintenance of a chute or passage-way over dams erected across the streams of the State and providing penalties and remedies in case of failure,

Have had the same under consideration and recommend that the same do pass.

JAMES McCORMICK,  
Chairman.

The Committee on Judiciary made the following report:

**MR. PRESIDENT:**

Your Committee on Judiciary to whom was referred  
House Bill No. 175,

A bill for an act for the destruction of noxious weeds, and prescribing penalties therefor, and for the repeal of an act entitled "An act to prevent the spread of noxious weeds in the Territory of Dakota," General Laws of 1885, supplement, Dakota Territory, and an act entitled "An act to amend Section 1, General Laws 1885, supplement, relating to noxious weeds," Chapter 102, Session Laws of 1890,

Have had the same under consideration and recommend that the same do pass.

Also,

Senate Bill No. 191,

A bill for an act to amend Section 28 of the Session Laws of 1891, approved February 11, 1891, regulating appeals in civil actions,

And recommend that it be amended as follows:

Amend title by inserting after the figures "28" the words "of Chapter..."

Also, amend line 2 of said title by inserting after the figures "1891" in said line 2 the words "Entitled An Act."

Also, amend Section 1 of said bill by inserting after the figures "28," in line 1 of said Section 1, the following: "of Chapter..."

Also, in line 1, Section 1, after the figures "1891," insert the words "Entitled an act regulating appeals in civil actions."

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved

That the report of the committee on House Bill No. 175 and Senate Bill No. 191 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

#### REPORTS OF SPECIAL COMMITTEES.

The committee on Journal correction for the fiftieth day made the following report:

**MR. PRESIDENT:**

Your committee have carefully examined the printed Journal of the fiftieth day and find the same to be correct.

M. L. McCORMACK,  
Chairman.

Mr. Worst moved

That the report of the Special Committee be adopted,

Which motion prevailed.

## INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Cashel moved

That all Senate bills now on the Secretary's desk be read the first and second times, and be referred to their proper committees, Which motion prevailed.

Mr. Bisbee introduced—

Senate Bill No. 193,

A bill for an act entitled "An act to amend Section 5423 of the Compiled Laws of North Dakota,"

Which was read the first and second times, and referred to the Committee on Judiciary.

Mr. LaMoure introduced—

Senate Bill No. 194,

A bill for an act redistricting the State of North Dakota, and defining the boundaries of the Senatorial and Representative districts, and providing for the establishment of two classes, and election of both classes as provided in the Constitution,

Which was read the first and second times.

Mr. LaMoure moved

That Senate Bill No. 194 be referred to a Special Committee consisting of Messrs. Little, Kuhn, Ink, McCormack of Grand Forks and Cashel.

Mr. Svensrud moved

To amend by including in the committee Messrs. Kinter and McCormick of Ramsey, and that Mr. Kinter be Chairman of the committee,

Which amendment was lost.

The question recurring upon the motion of Mr. LaMoure,

The motion prevailed, and

The bill was referred to the Special Committee.

The Committee on Woman Suffrage introduced—

Senate Bill No. 195,

A bill for an act granting the right of suffrage to women,

Which was read the first and second times, and referred to the Committee on Woman Suffrage.

The Chair made the following announcement:

Governor and Mrs. Burke desire it announced that they will be "at home" to the members of the Legislature and their ladies, the State Judiciary, the State officials and attaches and their ladies, and the residents of Bismarck, on next Tuesday evening from 8 to 12 o'clock. The reception will take place at the Wallace residence on Seventh street.

Mr. McCormack of Grand Forks moved

That the Senate accept the invitation,

Which motion prevailed.

The Senate returned to the sixth order of business.

The Committee on Railroads made the following report

**MR. PRESIDENT:**

Your Committee on Railroads to whom was referred

House Bill No. 45,

A bill for an act to facilitate the shipment of live stock, grain and other commodities,

Have had the same under consideration and recommend that the same be amended as follows:

Strike out from the title of the bill the words "live stocks and other commodities."

Also, strike out from lines 3 and 4 in Section 1 the words "or more," and the letter "s" from the word "platforms"; also, strike out the words "live stock and other commodities."

And when so amended recommend that the same do pass.

R. J. JOHNSON,  
Chairman.

Mr. Worst moved

That the report of the committee on House Bill No. 45 be adopted,

Which motion prevailed.

The Committee on Elections made the following report:

**MR. PRESIDENT:**

Your Committee on Elections to whom was referred

Senate Bill No. 190,

A bill for an act defining the residence of qualified electors of the State of North Dakota,

Have had the same under consideration and recommend that the same do pass.

Also,

Senate Bill No. 15,

A bill for an act to provide for the protection and regulation of primary elections,

And recommend that the same do pass.

Also,

Senate Bill No. 177,

A bill for an act to prevent corrupt practices at elections, and to provide punishments for the same,

Have had the same under consideration and beg leave to report the same without recommendation.

H. F. ARNOLD,  
Chairman.

The Committee on Engrossed and Enrolled Bills made the following report:

**MR. PRESIDENT:**

Your Committee on Engrossed and Enrolled Bills have delivered

Senate Bill No. 61 to the Governor, this twenty-sixth day of February, 1891, at 2:45 o'clock p. m.

R. N. INK,  
Chairman.

THIRD READING OF SENATE BILLS.

Senate Bill No. 113.

A bill for an act providing for an appropriation for the annual tournament of the North Dakota Firemen's Association,

Was read the third time.

Mr. Little moved

That the report of the committee be adopted,  
Which motion prevailed.

The question recurring upon the final passage of the bill,  
The roll being called there were ayes 18, nays 9.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bisbee,  
Bjorgo,  
Cashel,  
Engle,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F<sup>ks</sup>

Messrs—

McGillivray,  
Miller,  
Palmer,  
Pinkham,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—

Almen,  
Brynjolfson,  
Enger,

Messrs—

Johnson of Ward,  
Kinter,  
Kuhn,

Messrs—

Patch,  
Svenningeen,  
Svensrud.

Absent and not voting:

Messrs—

Bidlake,  
Fuller,

Messrs—

McCormick, Ramsey,

Messrs—

Nelson.

Mr. Nelson being excused.

Mr. Little moved

That the vote by which Senate Bill No. 113 was passed be reconsidered,

Which motion prevailed.

Mr. Little moved

To amend by striking out the emergency clause,  
Which motion prevailed.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 19, nays 9.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bisbee,

Messrs—

Johnson of Traill,  
LaMoure,

Messrs—

McGillivray,  
Miller,

Messrs—  
Bjorgo,  
Cashel,  
Engle,  
Haggart,  
Ink,

Messrs—  
Little,  
Lowry,  
McCormack, G. F<sup>ks</sup>.  
McCormick, Ramsey,

Messrs—  
Palmer,  
Piukham,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—  
Almen,  
Brynjelfson,  
Enger,

Messrs—  
Johnson of Ward,  
Kinter,  
Kuhn,

Messrs—  
Patch,  
Sveunnungeen,  
Svensrud.

Absent and not voting:

Messrs—  
Bidlake,

Messrs—  
Fuller,

Messrs—  
Nelson.

Mr. Nelson being excused.

So the bill passed and the title was agreed to.

Mr. McCormack of Grand Forks moved that the vote by which Senate Bill No. 113 was passed be reconsidered.

Mr. Little moved  
To lay the motion upon the table,  
Which motion prevailed.

Mr. Cashel moved  
That Senate Bills No. 174, 189 and 182 be placed upon their third reading and final passage,  
Which motion prevailed.

The President pro tem. announced his signature to Senate Bill No. 61,

A bill for an act to provide funds for the construction and furnishing necessary buildings for the North Dakota Normal School located at Valley City, North Dakota,

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, {  
February 26, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 172,

A bill for an act to amend Section 2, Chapter 161 of the Session Laws of 1890, entitled "An Act to create an institute for the education of the deaf and dumb of North Dakota, and providing for its support and management,"

Which the House has passed unchanged.

J. G. HAMILTON,  
Chief Clerk.

Senate Bill No. 174,

A bill for an act to amend the law enacted by the First Legis-



lative Assembly of North Dakota, being Chapter 27 of the Laws of 1890, entitled "Steam Boiler Inspection,"

Was read the third time.

The question recurring upon the final passage of the bill,  
The roll being called there were ayes 21, nays 6.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Brynjolfson,  
Cassel,  
Engle,  
Enger,  
Fuller,  
Ink,

Messrs—

Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormick, Ramsey,  
Miller,

Messrs—

Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—

Almen,  
Bisbee,

Messrs—

Bjorgo,  
Johnson of Traill,

Messrs—

LaMoure,  
McCormack, G. Fks.

Absent and not voting:

Messrs—

Bidlake,  
Haggart,

Messrs—

McGillivray,

Messrs—

Nelson.

Mr. Nelson being excused.

So the bill passed, and the title was agreed to.

#### SPECIAL ORDERS.

The hour having arrived for the consideration of Special Orders.

Senate Bill No. 25,

A bill for an act for the protection of laborers employed by men running threshing machines in this State,

Was read the third time.

Mr. McGillivray moved

To amend by adding the following section:

SEC. 3. *Provided, further,* That the farmer whose grain is threshed shall be compelled to give bond to the thresher to pay for threshing the said grain,

Which motion was lost.

The question recurring upon the final passage of the bill,

Mr. Bisbee moved a call of the House,

Which motion prevailed.

Mr. Worst moved

That further proceedings under call of the House be dispensed with,

Which motion prevailed.

Mr. Kinter moved

That Mr. Arnold be excused from voting,

Which motion was lost.

The roll being called there were ayes 11, nays 18.

Those who voted in the affirmative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Almen,	Johnson of Traill,	Svenningsen,
Bisbee,	Johnson of Ward,	Svensrud,
Cashel,	Little,	Weiser.
Enger,	McCormick, Ramsey,	

Those who voted in the negative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Arnold,	Ink,	McGillivray,
Bjorgo,	Kinter,	Miller,
Brynjolfson,	Kuhn,	Palmer,
Engle,	LaMoure,	Patch,
Fuller,	Lowry,	Pinkham,
Haggart,	McCormack of G Fks,	Worst.

Messrs. Bidlake and Nelson being absent and not voting.

Mr. Nelson being excused.

So the bill was lost.

Senate Bill No. 182,

A bill for an act authorizing the levy of State tax,

Was read the third time.

Mr. Cashel moved

That the report of the committee be adopted,

Which motion prevailed.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Almen,	Johnson of Traill,	McGillivray,
Bisbee,	Johnson of Ward,	Miller,
Bjorgo,	Kinter,	Palmer,
Brynjolfson,	Kuhn,	Patch,
Cashel,	LaMoure,	Pinkham,
Engle,	Little,	Svenningsen,
Enger,	Lowry,	Svensrud,
Fuller,	McCormick, G. F'rks,	Weiser,
Haggart,	McCormick, Ramsey,	Worst.
Ink,		

Absent and not voting:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Arnold,	Bidlake,	Nelson.

Mr. Nelson being excused.

So the bill passed, and the title was agreed to.

The Special Committee on Journal Correction for the Fifty-First Day made the following report:

MR. PRESIDENT:

Your Special Committee appointed to correct the Journal of the fifty-first day have examined the same and find it correct.

D. P. KUHN,  
Chairman.

Mr. Kinter moved  
That the report of the committee be adopted,  
Which motion prevailed.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 172,

A bill for an act to amend Section 2, Chapter 161 of the Session Laws of 1890,

And find the same correctly engrossed and enrolled.

R. N. INK.  
Chairman.

The President pro tem. announced his signature to  
Senate Bill No. 172,

A bill for an act to amend Section 2, Chapter 161 of the Session Laws of 1890.

Senate Bill No. 189.

A bill for an act to amend Sections 1 and 2 of Chapter 63, of the General Laws of 1883,

Was read the third time.

Mr. Kinter moved

That the report of the committee be adopted,  
Which motion prevailed.

The question recurring upon the final passage of the bill,  
The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bisbee,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F'rks,

Messrs—

McGillivray,  
Miller,  
Palmer,  
Patch,  
Pinkham,  
Svenningsen,  
Svensrud,  
Worst.

Absent and not voting:

Messrs—

Bidlake,  
Bjorgo,

Messrs—

McCormick, Ramsey,  
Nelson,

Messrs—

Weiser.

Mr. Nelson being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 176,

A bill for an act defining and providing for the punishment of the crime of adultery,

Was read the third time.

Mr. Worst moved

That the further consideration of the bill be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes 23, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson of Traill,	McGillivray,
Bisbee,	Johnson of Ward,	Miller,
Brynjolfson,	Kinter,	Palmer,
Cashel,	Kuhn,	Patch,
Engle,	LaMoure,	Pinkham,
Fuller,	Little,	Svennungsen,
Haggart,	Lowry,	Svensrud.
Ink,	McCormack, G Forks	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Almen,	Enger,	McCormick, Ramsey.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bidlake,	Nelson,	Worst.
Bjorgo,	Weiser,	

Mr. Nelson being excused.

So the motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
February 26, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 145,

A bill for an act repealing Section 41, Chapter 62, Session Laws of 1890, providing for a uniform system of free public schools throughout the State.

Also,

House Bill No. 150,

A bill for an act providing a Military Code for the State of North Dakota.

Also,

House Bill No. 155,

A bill for an act to repeal Chapter 27, Laws of 1890, entitled "An Act to establish a board of inspectors of steam vessels and steam boilers, and to provide for licensing of engineers of steam engines."

Also,

House Bill No. 182,

A bill for an act entitled "An Act exempting volunteer firemen from jury duty and from paying poll tax in the State of North Dakota."

All of which have passed the House, and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

Mr. Little moved

That Senate Bill No. 168 be made a special order for next Saturday at 3 o'clock p. m.,

Which motion was lost.

Mr. LaMoure moved

That Senate Bill No. 168 be made a special order for next Saturday at 2:05 o'clock p. m.,

Which motion prevailed.

Senate Bill No. 160,

A bill for an act to provide for the payment of the salaries of county officers monthly, and for other purposes,

Was read the third time.

Mr. Kinter moved

That the report of the committee be adopted,

Which motion prevailed, and

The bill was indefinitely postponed.

Mr. Haggart moved

That further consideration of Senate Bill No. 129 be indefinitely postponed,

Which motion prevailed.

Mr. Arnold moved

That Senate Bill No. 178 be made a special order for Friday at 2:30 o'clock p. m.,

Which motion prevailed.

Mr. Johnson of Traill moved

That House Bill No. 101 be recommitted,

Which motion prevailed.

Mr. Worst moved

That G. C. Wainwright, Janitor of the committee rooms, be allowed \$1 extra per diem salary for night work,

Which motion prevailed.

Mr. Little moved

That the rules be suspended and that all Senate and House bills be read the first and second times, and be referred to their proper committees,

Which motion prevailed.

Mr. Ink introduced--

Senate Bill No. 196,

A bill for an act entitled "An Act regulating the adoption of children,"

Which was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 187,

A bill for an act to legalize oaths and acknowledgments taken by registers of deeds and township clerks,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 145,

A bill for an act repealing Section 41 of Chapter 62, Session Laws of 1890, entitled "An act to provide a uniform system of free public schools throughout the State and to prescribe penalties for the violation of the provisions thereof,"

Was read the first and second times, and referred to the Committee on Education.

House Bill No. 180,

A bill for an act to amend Section 1, Chapter 36, of the General Laws of 1889, entitled, "An act declaring the admissibility of the Compiled Laws of 1887, as legal evidence of the General Statutes of Dakota Territory."

Was read the first and second times, and referred to the Committee on State Affairs.

House Bill No. 155,

A bill for an act to repeal Chapter 27 of the Laws of 1890, entitled "An act to establish a board of inspectors of steam vessels and steam boilers and to provide for licensing of engineers of steam engines,"

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 182,

A bill for an act exempting volunteer firemen from jury duty, and from the payment of poll tax within the State of North Dakota.

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 150,

A bill for an act to repeal Chapter 94, Session Laws of 1890, and to amend Sections 1920, 1922, 1928, 1936, 1937 and 1972 of the Political Code of 1877,

Was read the first and second times, and referred to the Committee on Military Affairs.

House Bill No. 111,

A bill for an act to amend Section 39 of Chapter 21 of the Political Code,

Was read the first and second times, and referred to the Special Committee on Salaries of County Officers.

Mr. Little moved  
That the courtesies of the floor be extended to Col. W. A. Bentley of Bismarck,  
Which motion prevailed.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
February 26, 1891. }

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 37,

A bill for an act in relation to the collection of taxes on personal property for the year 1890,  
Which the House has passed unchanged.

Also,

House Bill No. 11,

A bill for an act to regulate the salaries of county treasurers, and to provide for the payment of the same,

Which has passed the House, and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

Mr. Kinter moved

That Senate Bill No. 128 be read the third time and placed upon its final passage,

Which motion prevailed.

Senate Bill No. 128,

A bill for an act to amend Section 2, Chapter 38 of the General Laws of 1890, entitled "An Act authorizing counties to build all bridges within the county limits wherein the cost of the construction of the same exceeds the sum of \$100,"

Was read the third time.

Mr. Kinter moved

To amend after figure 2, Section 2 as follows: "That in all counties that are not fully organized into civil townships,"

Which motion prevailed.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 22, nays 3.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Ink,

Messrs—

Johnson of Traill,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F'rks,

Messrs—

McGillivray,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Almen,	Johnson of Ward,	McCormick, Ramsey.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bidlake,	Haggart,	Nelson,
Fuller,	Miller,	Worst.

Mr. Nelson being excused.

So the bill passed, and the title was agreed to.

Mr. Kinter moved

That the vote by which Senate Bill No. 128 was passed be reconsidered.

Mr. Ink moved

To lay the motion upon the table,  
Which motion prevailed.

Mr. Little moved

That the Senate do now adjourn,  
Which motion was lost.

Mr. Little moved a call of the Senate,  
Which motion prevailed.

Mr. McCormack of Grand Forks moved  
That the Senate do now adjourn.

Roll call demanded.

- The roll being called there were ayes 23, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson of Ward,	Palmer.
Bisbee,	Kinter,	Patch,
Bjorgo,	Kuhn,	Pinkham,
Brynjolfson,	Little,	Svenningsen,
Engle,	Lowry,	Svensrud,
Enger,	McCormack, G. Fk's.	Weiser,
Ink,	McCormick, Ramsey,	Worst.
Johnson of Traill,	McGillivray,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bidlake,	Haggart,	Miller,
Fuller,	LaMoure,	Nelson.

Messrs. Almen and Cashel voting in the negative.

Mr. Nelson being excused.

So the motion to adjourn prevailed, and  
The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.



## FIFTY-THIRD DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 27, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The President pro tem. presiding.

Prayer by the Chaplain.

Roll called.

All members present.

Mr. McCormack of Grand Forks moved

That the reading of the Journal be dispensed with, and that a committee be appointed to correct the same,

Which motion prevailed.

The President appointed as such committee Messrs. Svennungsen and Miller.

Mr. Kinter moved

That Hon. C. A. Pollock, of Fargo, be invited to a seat within the bar of the Senate,

Which motion prevailed.

## PETITIONS AND COMMUNICATIONS.

Mr. McCormick of Ramsey presented the following communication:

DEVILS LAKE, N. D., February 21, 1891.

*Hon. James McCormick, Bismarck:*

DEAR SIR: The volunteer fire department of this city respectfully request you to use all honorable means to secure the passage of Senate Bill No. 113 and House Bill No. 182.

Respectfully yours,  
CLARK W. KELLEY,  
Chief D. L. F. D.

The communication was referred to the Committee on Appropriations.

## REPORTS OF STANDING COMMITTEES.

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on Ways and Means to whom was referred  
House Bill No. 31,

A bill for an act to authorize and regulate within this State the  
business of commercial agencies, credit companies and guarantee  
associations,

Have had the same under consideration and recommend that  
the same be referred to the Committee of the Whole.

JUDSON LAMOURE,  
Chairman.

Mr. Johnson of Ward moved

That the report of the Committee be adopted,  
Which motion prevailed.

The Committee on Stock made the following report:

MR. PRESIDENT:

Your Committee on Stock to whom was referred  
House Bill No. 100,

A bill for an act to protect stock raisers and promote the breed-  
ing of improved live stock within the State of North Dakota, and  
to provide a lien for the service of sires,

Have had the same under consideration and recommend that  
the same be amended as follows:

Add after the title of office "Commissioner of Agriculture" the words "and  
Labor" wherever the same occurs in the bill.

In line numbered 31 in written bill before the word "said" add the words  
"county or counties," and in same line strike out the words "another copy"  
and substitute the words "other copies."

On second page, first line, strike out the letter "a" between "in" and "con-  
spicuous," and in same line strike out the word "place" and substitute the  
word "places."

In Section 3, line 5, after the word "get" and before the word "provided"  
insert the words "and said hen shall have priority over any or all other liens,  
chattel mortgages or other incumbrances upon the offspring of the female  
served."

And when so amended recommend that the same do pass.

JAMES JOHNSON,  
Chairman.

Mr. Little moved

That the report of the committee be adopted,  
Which motion prevailed.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred  
House Bill No. 172,

A bill for an act authorizing civil townships to issue bonds to  
procure seed for needy farmers resident therein,

Have had the same under consideration and recommend that  
the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the report of the committee be adopted,  
Which motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. Johnson of Ward offered the following resolution:

*Resolved*, That the Attorney General be requested to inform the Senate in writing as to the following interpretation of Section 30 of the Constitution of the State of North Dakota.

First. Whether or not the Senators elected in the year 1890, compose the two classes named in said section, if so, are they, or are they not the classes that are to join in the lot, and thus decide the term of office of each class.

Mr. Johnson of Ward moved  
That the resolution be adopted,  
Which motion prevailed.

The Joint Committee on County Officers' Salaries made the following report:

MR. PRESIDENT:

Your Joint Committee on County Officers' Salaries to whom was referred

House Bill No. 11,

A bill for an act to regulate the salaries of county treasurers, and to provide for the payment of the same,

Have had the same under consideration, and recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Johnson of Ward moved  
That the report of the committee be adopted,  
Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. McCormack of Grand Forks moved

That all Senate bills be read the first and second times, and referred to their proper committees,

Which motion prevailed.

Mr. Lowry introduced—  
Senate Bill No. 197,

A bill for an act to amend Sections 1, 2, 3 and 7 of Chapter 184 of the Laws of 1890, being an act defining usury, and the penalty for taking the same,

Which was read the first and second times, and referred to the Committee on State Affairs.

The President pro tem. announced his signature to  
House Bill No. 183,

A bill for an act to increase the revenues of the State by changing and increasing the boundaries of the counties of Pierce, Mc-

Henry, Bottineau, Ward, McLean, Williams, Billings, Stark, Morton and Mercer, and by repealing an act entitled "An act pertaining to the subdivisions of the counties of Waillette and Howard, Dakota Territory," approved March 9, 1883.

Mr. LaMoure raised the point of order that the President pro tem. had no authority to sign bills.

Mr. Haggart moved

That Hon. S. S. Lyon of Fargo be invited to a seat within the bar of the Senate,

Which motion prevailed.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }  
February 27, 1891. }

*To the President of the Senate:*

I have the honor to inform you that I have approved the following Senate bills:

Senate Bill No. 172,

An act to amend Section 2, Chapter 161, of the Session Laws of 1890, entitled "An act to create an institute for the education of the deaf and dumb of North Dakota, and providing for its support and management."

Also,

Senate Bill No. 98,

An act making a standing annual appropriation for the payment of salaries of the various State officers.

Also,

Senate Bill No. 58,

An act providing for an appropriation for the erection of buildings for the State Agricultural College at Fargo, and for the contingent expenses incident to the construction thereof.

Also,

Senate Bill No. 141,

An act providing for an appropriation for the maintenance of the Deaf and Dumb School at Devils Lake.

Also,

Senate Bill No. 137,

An act making appropriations for the maintenance of the University of North Dakota.

Also,

Senate Bill No. 65,

An act providing for an appropriation for the current and contingent expenses of the Penitentiary at Bismarck, and for making needed permanent improvements.

Also,

Senate Bill No. 60,

An act appropriating money for the erection of a Soldiers' Home at Lisbon, North Dakota, and for the contingent expenses incident thereto.

Also,

Senate Bill No. 99,

An act providing for the appropriation of money for the erection of a suitable building for the Deaf and Dumb Asylum at the city of Devils Lake, Ramsey county, North Dakota, and for the contingent expenses incident thereto.

Very respectfully,

ANDREW H. BURKE,  
Governor.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 66,

A bill for an act for an appropriation for the current expenses for the Asylum at Jamestown for the Insane, and for making needed permanent improvements.

Also,

Senate Bill No. 100,

A bill for an act to appropriate money to pay the expenses of selecting and acquiring title to lands donated by Congress to the State of North Dakota for its public institutions, and to carry out the provisions of an act providing for the organization of the Board of University and School Lands, approved March 20, 1890,

And find the same correctly engrossed and enrolled.

R. N. INK,  
Chairman.

Mr. Worst moved

That a committee of two members of the Senate be appointed to wait upon the Attorney-General to get his opinion as to the authority of the President pro tempore to sign bills,

Which motion prevailed, and

The President appointed Messrs. Worst and LaMoure as such committee.

Mr. Johnson of Traill moved

That the courtesies of the floor be extended to Hon. J. W. Horton of Mayville,

Which motion prevailed.

Mr. Palmer moved

That Lieut. J. A. Patton be granted the privileges of the floor,  
Which motion prevailed.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 133,

A bill for an act to amend Section 26, Chapter 119, Laws of 1890, entitled "An act in relation to printing and binding for the State, to create a printing commission, providing for the distribution of public documents, reports and session laws, prescribing the duties of the State officers in relation thereto and making appropriations for document fund,"

Was read the third time.

Mr. Johnson of Ward moved  
That the report of the committee be adopted,  
Which motion prevailed.

The question recurring upon the final passage of the bill,  
The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Engle,  
Enger,  
Fuller,  
Ink,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormack of G F's  
McCormick, Ramsey,  
McGillivray,

Messrs—

Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Bidlake,  
Cashel,

Messrs—

Haggart,

Messrs—

LaMoure.

So the bill passed and the title was agreed to.

## SPECIAL ORDERS.

The hour having arrived for the consideration of Special Orders.  
Senate Bill No. 178,

A bill for an act providing for printing and distributing ballots at public expense, and to regulate voting at all general elections, except municipal, town or school elections,

Was read the third time.

Mr. Arnold moved  
To amend Section 17, line 3 as follows:

After the words "black ink" insert the words "at the head of each ballot shall be printed the name or designation of every political party represented on such ballot, which cast 5 per cent. of the whole vote at the last general election."

Which motion prevailed.

Also, amend Section 17, line 10 after the word "contain" by inserting the

words "on the same line, and immediately following the name of each candidate."

Which motion prevailed.

Also, in Section 17, line 11 strike out the words "the candidates represent" and insert the words "such candidate represents."

Which motion prevailed.

Also, Section 24, line 15 insert after the word "group" the words "or a straight party ticket."

Which motion prevailed.

Also, in Section 24, line 16 insert after the word "group" the words "or party."

Which motion prevailed.

Also, in Section 24, line 17 after the word "group" insert the words "or in such party ticket."

Which motion prevailed.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 28, nays 1.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Eugle,  
Euger,  
Haggart,  
Ink,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormack, G. F'ks,  
McCormick, Ramsey,  
McGillivray,

Messrs—

Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svenningsen,  
Svensrud,  
Weiser,  
Worst.

Messrs. Bidlake and Fuller being absent and not voting.

Mr. LaMoure voting in the negative.

So the bill passed, and the title was agreed to.

Mr. Kinter moved

That the vote by which Senate Bill No. 178 was passed be reconsidered.

Mr. Nelson moved

To lay the motion upon the table,

Which motion prevailed.

A recess of fifteen minutes was taken.

The Senate reassembled.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
February 26, 1891. }

MR. PRESIDENT:

I have the honor to transmit herewith

Substitute for House Bill No. 156,

A bill for an act to amend Chapter 46 of the Laws of 1890.

Also,

House Bill No. 42.

A bill for an act making railroad companies liable for damages caused by fire.

Also,

House Bill No. 208,

A bill for an act to amend Article 15 of Chapter 73, Laws of 1887, entitled "An Act to provide for the incorporation of cities."

Also,

House Bill No. 197,

A bill for an act to provide for the publication of reports of opinions rendered by the Supreme Court of the State of North Dakota, by amending Section 7 of Chapter 171 of the Laws passed by the First Legislative Assembly of the State of North Dakota.

Also,

House Bill No. 198,

A bill for an act to provide for the probate and recording of foreign wills by amending Section 30 of the Probate Code.

Also,

House Bill No. 164,

A bill for an act providing for bringing independent school districts under the provisions of the General School Laws, and for the repeal of certain laws providing for independent districts.

All of which have passed the House, and your favorable consideration thereof is respectfully requested.

Also,

To transmit herewith

Senate Bill No. 53,

A bill for an act to fix the compensation of the judges of the county courts and county auditors in counties having a population of less than 1,000,

Further consideration of which has been indefinitely postponed by the House.

Also,

Senate Bill No. 183,

A bill for an act to amend Section 407, Civil Code of 1877,

Which is herewith returned to the Senate for correction.

J. G. HAMILTON,  
Chief Clerk.

The Senate returned to the ninth order of business.



Mr. Kinter introduced—

Senate Bill No. 198,

A bill for an act to amend Section 8 of Chapter 68 of the General Laws of 1885, entitled "An act establishing the North Dakota Hospital for the Insane, and providing for the government of the North Dakota Hospital for the Insane,"

Which was read the first and second times, and referred to the Committee on Appropriations.

The Senate returned to the sixth order of business.

The Committee on Insurance made the following report:

MR. PRESIDENT:

Your Committee on Insurance to whom was referred House Bill No. 64,

A bill for an act to provide for the incorporation and regulation of life, endowment and casualty insurance companies, corporations and societies other than co-operative or assessment life, endowment or casualty association or societies,

Have had the same under consideration and recommend that the same be amended as follows:

Amend the title by striking out the word "endowment" where it appears therein, and insert the word "and" after the word "endowment" where it appears the second time, and strike out the word "or."

In line 9, Section 2, strike out the word "unless."

In line 3, Section 12, strike out all after the word "force," and strike out all of line 4 except the last word "The."

In line 6, Section 12, between the words "company" and "should" insert the words "or the insurance officer of the state in which said company is located."

In line 2, Section 24, strike out the word "district" and insert the word "states."

In line 1, Section 17, insert after the word "company" the words "corporation or society."

And when so amended recommend that the same do pass.

J. S. WEISER,  
Chairman.

Mr. Little moved

That the report of the committee be adopted,

Which motion prevailed.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred

House Bill No. 94,

A bill for an act attaching certain Townships to the County of Ramsey,

Have had the same under consideration and recommend that the same do pass,

JAMES JOHNSON,  
Chairman.

Senate Bill No. 126,

A bill for an act to amend Section 2 of Chapter 124 of the General Laws of 1890, entitled "An act relating to the shipment of live stock and grain,"

Was read the third time.

Mr. McCormick of Ramsey moved  
To amend the bill as follows:

Sec. 1, line 25, by inserting after the word "lots" the following: "And shall be obliged to weigh every car-load lot loaded and shipped from this state, when required by the shipper."

Which motion prevailed.

Mr. McCormick of Ramsey moved  
To amend the bill as follows:

Amend Section 1, line 26, by inserting after the word "goods" the following: "Shall pay a fee of 50 cents for weighing each car, which charge shall follow the car and be collected at its destination."

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
February 27, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith  
House Bill No. 29,

A bill for an act to provide for the extension of the time for the payment of taxes for the year 1890.

This bill having passed both Houses was filed with the Governor and by action of the House recalled for the purpose of amendment.

The amendment inserts the word "personal" in Section 1 so as to read: "That all unpaid personal property taxes for the year 1890 shall become delinquent on the first day of March, 1891,"

And the Senate is respectfully requested to concur in this amendment, and to pass the bill as amended this day.

Also,

House Bill No. 67,

A bill for an act to provide for the publication of future amendments to the Constitution and fixing the rate and method of compensation therefor.

This bill having passed both Houses was filed with the Governor and by action of the House recalled for the purpose of amendment.

The amendment inserts the words "in which a weekly paper is published" in Section 1 so as to read: "In one weekly paper in each county in which a weekly paper is published, etc.,"

And the Senate is respectfully requested to concur in this amendment, and to pass the bill as amended this day.

Also,

House Bill No. 157,

A bill for an act to reimburse Pro. E. J. Babcock for expenses incurred in making investigations regarding the adaptability of the State of North Dakota to the culture of sugar beets, and for investigations regarding the value of North Dakota coals,

Which has passed the House, and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

Mr. Svensrud moved

That the rules be suspended,

Which motion prevailed.

Mr. McCormack of Grand Forks moved

That the Senate do now concur in the House amendments to Senate Bill No. 67,

Which motion prevailed.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Fuller,  
Haggart,  
Ink,  
Johnson, of Traill,

Messrs—

Johnson, of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F'ks.  
McCormick, Ramsey,  
McGillivray

Messrs—

Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svenningsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Arnold,

Messrs—

Bidlake,

Messrs—

Enger.

So the bill passed and the title was agreed to.

Mr. McCormack of Grand Forks moved

That the vote by which House Bill No. 67 was passed be reconsidered.

Mr. Little moved

To lay the motion upon the table,

Which motion prevailed.

Mr. Worst moved

That the Senate do now concur in the House amendments to Senate Bill No. 29,

Which motion prevailed.

The question recurring upon the final passage of the bill as amended,

The roll being called, there were ayes 28, nays none.

Those who voted in the affirmative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Almen,	Johnson of Ward,	Miller,
Bisbee,	Kinter,	Nelson,
Bjorgo,	Kuhn,	Palmer,
Brynjolfson,	LaMoure,	Patch,
Cashel,	Little,	Pinkham,
Eugle,	Lowry,	Svennungesen,
Eger,	McCormack, G. F'ke,	Svensrud,
Haggart,	McCormick, Ramsey,	Weiser,
Ink,	McGillivray,	Worst.
Johnson of Traill,		

Absent and not voting:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Arnold,	Bidlake,	Fuller.

So the bill passed, and the title was agreed to.

Mr. Worst moved

That the vote by which House Bill No. 29 was passed be reconsidered.

Mr. Little moved

To lay the motion upon the table,  
Which motion prevailed.

The question recurring upon the final passage of Senate Bill No. 126,

Mr. McCormick of Ramsey moved

To amend by inserting the following as Section 2:

SEC. 2. The Board of Commissioners of Railroads shall appoint a state weigher at each weighing station, as provided in Sec. one (1) of this act, whose duties it shall be to weigh every car lot loaded within this state, when demanded by the shipper thereof, and shall be entitled to a fee of (50) cents for weighing each car, which charge shall follow car to destination, and be collected by the railroad company with their freight charges, and returned to the state weigher at each point weekly,

Which motion prevailed.

Also, To amend by renumbering Sec. two (2) to read Sec. three (3.)

Which motion prevailed.

The question recurring upon the final passage of Senate Bill No. 126 as amended,

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Almen,	Johnson of Traill,	Nelson,
Arnold,	Johnson of Ward,	Palmer,
Bisbee,	Kinter,	Patch,
Bjorgo,	Kuhn,	Pinkham,

Messrs—  
Brynjolfson,  
Cashel,  
Enger,  
Haggart,  
Ink,

Messrs—  
Lowry,  
McCormack, G. F'rks,  
McCormick, Ramsey,  
McGillivray,  
Miller,

Messrs—  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—  
Bidlake,  
Engle,

Messrs—  
Fuller,  
LaMoure,

Messrs—  
Little.

So the bill passed and the title was agreed to.

Mr. McCormick of Ramsey moved

That the vote by which Senate Bill No. 126 was passed be reconsidered.

Mr. Johnson of Traill moved

To lay the motion upon the table,

Which motion prevailed.

Senate Bill No. 181,

A Concurrent Resolution to amend Section 158 of the Constitution of the State of North Dakota,

Was read the third time.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 26, nays 1.

Those who voted in the affirmative were:

Messrs—  
Almen,  
Arnold,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Haggart,  
Ink,

Messrs—  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Lowry,  
McCormack of G.Fk's  
McCormick, Ramsey,  
McGillivray,  
Miller,

Messrs—  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—  
Bidlake,  
Fuller.

Messrs—  
LaMoure,

Messrs—  
Little.

Mr. Bisbee voting in the negative.

So the bill passed, and the title was agreed to.

#### FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Haggart moved

That the rules be suspended, and that all House bills have their first and second readings and referred to their proper committees,  
Which motion prevailed.

House Bill No. 42,

A bill for an act making railroad companies liable for damages caused by fire.

Was read the first and second times, and referred to the Committee on State Affairs.

House Bill No. 157,

A bill for an act to reimburse Prof. R. J. Babcock for expenses incurred in making investigations regarding the adaptability of the State of North Dakota to the culture of sugar beets and for investigations regarding the value of North Dakota coals,

Was read the first and second times, and referred to the Committee on Appropriations.

House Bill No. 184,

A bill for an act providing an appropriation for manufacture of potato starch in the State of North Dakota,

Was read the first and second times, and referred to the Committee on Appropriations.

House Bill No. 208,

A bill for an act to amend Article 15 of Chapter 73 of the Laws of the Seventeenth Session of the Legislative Assembly of the Territory of Dakota,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No 198,

A bill for an act to provide for the probate and recording of foreign wills by amending Section 30 of the Probate Code,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 197,

A bill for an act to provide for the publication of reports of opinions rendered by the Supreme Court of the State of North Dakota by amending Section 7 of Chapter 171 of the laws passed by the First Legislative Assembly of the State of North Dakota,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 164,

A bill for an act providing for bringing independent school districts under the provisions of the general school laws, and for the repeal of certain laws providing for independent districts,

Was read the first and second times, and referred to the Committee on Education.

Substitute for House Bill No. 156,

A bill for an act to amend Chapter 46 of the Laws of 1890,

Was read the first and second times, and referred to the Committee on Judiciary.

Senate Bill No. 184,

A bill for an act entitled "An act to amend Section 1424 of Article 4 of Chapter 13 of the Compiled Laws of 1887 of the State of North Dakota,"

Was read the third time.

Mr. Ink moved

To amend by inserting the word "the" after the word "by" in the enacting clause,

Which motion prevailed.

The question recurring upon the final passage of the bill.

The roll being called there were ayes 22, nays 1.

Those who voted in the affirmative were:

Messrs—

Atmen,  
Arnold,  
Bisbee,  
Brynjolfson,  
Cashel,  
Engle,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kuhn,  
Little,  
Lowry,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Weiser.

Absent and not voting:

Messrs—

Bidlake,  
Bjorgo,  
Enger,

Messrs—

LaMoure,  
McCormack of G. Fks,  
Nelson,

Messrs—

Svensrud,  
Worst.

Mr. Kinter voting in the negative.

So the bill passed and the title was agreed to.

Mr. Ink moved

That the vote by which Senate Bill No. 184 was passed be reconsidered.

Mr. Cashel moved

To lay the motion upon the table,

Which motion prevailed.

Senate Bill No. 15,

A bill for an act to provide for the protection and regulation of primary elections,

Was read the third time.

Mr. Little moved

That the report of the committee be adopted,

Which motion prevailed.

Mr. Cashel moved

To amend line 4, Section 2, by striking out the word "four" and inserting the word "six" in lieu thereof,

Which motion prevailed.

Mr. Cashel moved

That after the last word in Section 2 the following words be added, "and a poll list be kept thereof,"

Which motion prevailed.

Mr. Cashel moved

To amend Section 6, line 15 by striking out the word "work" and insert the word "word" in lieu thereof,

Which motion prevailed.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 21, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Ink,	Miller,
Arnold,	Johnson of Ward,	Patch,
Bisbee,	Kinter,	Pinkham,
Cashel,	Kuhn,	Svennungsen,
Engle,	Little,	Svensrud,
Enger,	Lowry,	Weiser,
Haggart,	McGillivray,	Worst.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bidlake,	Johnson of Traill,	McCormick, Ramsey,
Bjorgo,	LaMoure,	Nelson,
Fuller,	McCormick, G. F'rks,	Palmer.

Mr. Brynjolfson voting in the negative.

So the bill passed, and the title was agreed to.

Senate Bill No. 187,

A bill for an act to amend Section 160 of the Civil Code,  
Was read the third time.

Mr. Little moved

To adopt the report of the committee,  
Which motion prevailed.

The question recuring upon the final passage of the bill,  
The roll being called there were ayes 21, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Haggart,	Miller,
Bisbee,	Johnson of Ward,	Patch,
Brynjolfson,	Kinter,	Pinkham,
Cashel,	Kuhn,	Svennungsen,
Engle,	Little,	Svensrud,
Enger,	Lowry,	Weiser,
Fuller,	McGillivray,	Worst.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson of Traill,	McCormick, Ramsey,
Bidlake,	LaMoure,	Nelson,
Bjorgo,	McCormack, G. F'rks,	Palmer.
Ink,		

So the bill passed and the title was agreed to.

Senate Bill No. 175,

A bill for an act to prevent trespass and the spread of noxious weeds,

Was read the third time.

Mr. Cashel moved



To amend the title by striking out all after the word trespass,  
Which motion prevailed.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 23, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Ink,	Miller,
Arnold,	Johnson of Traill,	Patch,
Bisbee,	Johnson of Ward,	Pinkham,
Brynjolfson,	Kinter,	Svennungsen,
Cashel,	Kuhn,	Svensrud,
Engle,	Little,	Weiser,
Fuller,	Lowry,	Worst.
Haggart,	McGillivray,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bidlake,	LaMoure,	Nelson,
Bjorgo,	McCormack, G Forks	Palmer.

Messrs. Enger and McCormick of Ramsey voting in the negative.

So the bill passed, and the title was agreed to.

Senate Bill No. 185,

A bill for an act to amend Chapter 91 of the Laws of 1890,  
Was read the third time.

Mr. Little moved

To adopt the report of the committee,  
Which motion prevailed.

The question recurring upon the final passage of the bill,  
The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Ink,	McGillivray,
Arnold,	Johnson of Ward,	Miller,
Bisbee,	Kinter,	Patch,
Brynjolfson,	Kuhn,	Pinkham,
Cashel,	Little,	Svennungsen,
Engle,	Lowry,	Svensrud,
Enger,	McCormick, G. Fk's,	Weiser,
Fuller,	McCormick, Ramsey,	Worst.
Haggart,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bidlake,	Johnson of Traill,	Nelson.
Bjorgo,	LaMoure,	Palmer.

So the bill passed, and the title was agreed to.

Senate Bill No. 191,

A bill for an act to amend Section 28 of the Session Laws of

1891, approved February 11, 1891, regulating appeals in civil actions,

Was read the third time.

The question recurring upon the final passage of the bill,  
The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bisbee,  
Brynolfson,  
Cashel,  
Enger,  
Fuller,  
Haggart,  
Ink,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormack, G. F<sup>ks</sup>  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Bidlake,  
Bjorgo,

Messrs—

Engle,  
LaMoure,

Messrs—

Nelson,  
Palmer.

So the bill passed, and the title was agreed to.

Mr. Haggart moved

That the vote by which Senate Bill No. 75 was passed be reconsidered.

Mr. Little moved

To lay the motion upon the table,  
Which motion prevailed.

Mr. Little moved

That the vote by which Senate Bill No. 191 was passed be reconsidered.

Mr. Worst moved

To lay the motion upon the table,  
Which motion prevailed.

Mr. Haggart moved

That the vote by which Senate Bill No. 185 was passed be reconsidered.

Mr. Little moved

To lay the motion upon the table,  
Which motion prevailed.

Senate Bill No. 110,

A bill for an act to amend Section 1407 of Article 5 of the Political Code, Compiled Laws of 1887, entitled "Fees of register of deeds,"

Was read the third time.

Mr. Miller moved

To amend by striking out all that part of the bill relating to recording marriage certificates,  
Which motion prevailed.

Mr. Miller moved

To amend by striking out all that part of the bill relating to marks and brands,

Which motion prevailed.

Mr. Miller moved

To amend line 6 of Section 1 by striking out the words and figures "fifty (50) cents," and insert in lieu thereof the words and figures "seventy-five (75) cents,"

Which motion was lost.

Mr. McCormick of Ramsey moved

To amend by striking out the words "twelve thousand,"

Which motion was lost.

The question recurring upon the final passage of the bill as amended.

The roll being called there were ayes 24, nays 3.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bisbee,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormick, Ramsey,  
McGillivray,

Messrs—

Miller,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—

Almen,

Messrs—

Bjorgo,

Messrs—

Johnson of Ward.

Absent and not voting:

Messrs—

Bidlake,  
LaMoure,

Messrs—

McCormack, G. Fks.

Messrs—

Nelson.

So the bill passed, and the title was agreed to.

Mr. Svensrud moved

That Senate Bill No. 37 be recalled from the Enrolling Committee,

Which motion prevailed.

The Senate returned to the ninth order of business.

Mr. Little introduced—

Senate Bill No. 199,

A bill for an act entitled "An act prescribing the duties of the President Pro tempore of the Senate,

Which was read the first and second times, and referred to the Committee on Judiciary.

Senate Bill No. 190,

A bill for an act defining the residence of qualified electors of the State of North Dakota,  
Was read the third time.

Mr. Worst moved

That Senate Bill No. 190 be made a special order for Friday at 3 o'clock p. m.,

Which motion prevailed.

Mr. Miller moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

#### FIFTY-FOURTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 28, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieut-Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Bidlake, who was excused.

Mr. Little moved

That the reading of the Journal be dispensed with, and that a committee be appointed to correct the same,

Which motion prevailed.

The President appointed as such committee Messrs. Kuhn and Enger.

The President announced his signature to  
Senate Bill No. 100,

A bill for an act to appropriate money to pay the expenses of selecting and acquiring title to lands donated by Congress to the State of North Dakota for its public institutions, and to carry out the provisions of an act providing for the organization of the Board of University and School Lands, approved March 20, 1890.

Also,

Senate Bill No. 66,

A bill for an act for an appropriation for the current and contingent expenses of the Asylum at Jamestown for the Insane and for making needed permanent improvements.

#### SPECIAL ORDERS.

The hour having arrived for the consideration of special orders, Mr. McCormick of Ramsey moved that Senate Bill No. 168 be made a special order for next Monday at 2:10 o'clock p. m.

Which motion prevailed.

An opinion of the Attorney-General in response to a resolution of the Senate was presented.

Mr. McCormick of Ramsey moved that the reading of the opinion be deferred until the bill to which it relates is considered.

Mr. McCormack of Grand Forks moved as a substitute that the opinion be read at once,

Which substitute motion prevailed, and

The following opinion was read:

BISMARCK, N. D., February 28, 1891.

*To the Honorable the Senate of the State of North Dakota:*

By resolution of your honorable body, you desire my opinion on certain questions involved in Senate Bill No. 168.

I assure you that the questions are much more easily asked than answered; they are questions of considerable importance and could not be answered off-hand; hence, I trust you will pardon the delay in obtaining this opinion, as I could not possibly satisfy myself on the points involved so as to give you an opinion that could be safely relied upon, and even this may not be good authority, for much greater lawyers than myself take opposite views on these questions.

In this opinion I shall not attempt to refer to the authorities which I have examined, and by the aid of which I have deduced my conclusions; suffice it to say that I have examined the law bearing on these questions very carefully, and think that the conclusions I have arrived at are supported by the weight of authority.

Question 1st. "Can the Legislature levy or assess any tax against the right of way franchise, roadbed, ties, rails, depots or any other necessary appliances that may be required in the ordinary transaction of the business of the road of the Northern Pacific Railroad Company?"

An answer to this will necessitate our going back to the act of Congress granting the franchise to said road and see what it contains.

I find that by act of Congress, July 2, 1864, a charter was granted to the Northern Pacific Railroad Company, which charter specifically sets forth the rights, duties and privileges of said corporation.

Section 2 of said act provides, among other things, as follows: "That the right of way through the public lands be, and the same is hereby granted to said 'Northern Pacific Railroad Company,' its successors and assigns, for the construction of a railroad and telegraph as proposed; and the right, power and authority is hereby given to said corporation to take from the public lands adjacent to the line of railroad, materials of earth, stone, timber and so forth, for the construction thereof. Said way is granted to said railroad to the extent of two hundred feet in width on each side of said railroad where it may pass through the public domain, including all necessary ground for sta-

tions, buildings, workshops, depots, machine shops, switches, side tracks, turn tables and water stations; and the right of way shall be exempt from taxation within the territories of the United States.

Section 11 of said act provides:

That said Northern Pacific railroad, or any part thereof, shall be a post route and a military road, subject to the use of the United States for postal, military, naval and all other government service, and also subject to such regulations as Congress may impose restricting the charges for such government transportation.

Section 12 of said act provides:

That the terms and conditions of said charter must be accepted in writing under the corporate seal of said railroad company, which was done by the company later on.

The Northern Pacific Railroad company claim that under the provisions of the charter referred to they are exempt from taxation on their right of way through the then territories through which their road ran, including the present State of North Dakota, and that the said right of way covers the land, 400 feet wide, clear across the State of North Dakota; also, all the roadbed, rails and buildings of all kinds attached to and a part of said right of way used in connection with operating their road, and this brings us to your question as to whether or not the company is entitled to said exemptions from taxation. In order to answer this question it is necessary to examine other questions which lead up to this:

First. Was the charter granted to said railroad by Congress and accepted by said railroad company a contract? The authorities hold that it was; this being true, then no state or territory could pass any law changing the terms thereof, as it would be in conflict with the Constitution of the United States, which provides that no State shall pass any law impairing the obligation of a contract.

Second. What is a railroad right of way, real or personal property? The authorities nearly all hold that a franchise of this nature is an easement in the land over and through which the right of way runs, hence is real estate, and any property annexed or attached to said right of way, such as roadbed, bridges, buildings of all kinds used in connection with the business of said franchise, become a part of the real estate, and is real estate. If this is true then your first question must be answered in the negative, provided Congress has the power to make such exemptions. Has Congress such power?

The right of way, and the other land granted by Congress to said company, belonged solely to the United States when so donated, and there can be no question but that Congress has a constitutional right to dispose of the public lands as it sees fit, hence in my opinion Congress had the constitutional right to donate the land and the right of way to the Northern Pacific Railroad company, and also exempt the right of way from taxation, the consideration in part for this exemption was that set forth in Section 2, before referred to, in which said road was and is obliged to carry any government supplies and so forth, as directed by Congress, and when rights have become vested under a valid contract, legislative authority cannot invalidate such contract or disturb such rights.

In answer then to the question asked, I will say in my opinion, for reasons stated, that the Legislature of this State has no legal right to provide for taxing the right of way of the Northern Pacific Railroad company, and that said right of way includes all roadbed, timbers, rails, depots, and buildings of all kinds situate on and attached to said right of way and used in carrying on the business of said company.

In answer to your second query as to whether all buildings and "improvements on the right of way can be taxed by this State as personal property," will say that from what I have hereinbefore stated, if correct, it necessarily follows that the permanent improvements, buildings, etc., are real estate and cannot be taxed as personalty.

I believe this answers your questions, but with your permission I would call your attention to Section 2 of Senate Bill 168, which provides that "the

franchise of such railroad which shall have been granted by the United States shall not be assessed or taxed."

If you will examine Section 179 of the Constitution of this State, you will find that it expressly provides that the franchise, etc., of all railroads within this State shall be assessed by the State Board of Equalization, hence, said Section 2, is in direct conflict with the Constitution and should be stricken out of said bill. In order to show why this section should be stricken out, will say that by the charter of said Northern Pacific Railroad company, its right of way is exempt from taxation only on the main line, and the right of way of all branch lines in this State is subject to taxation the same as any other railroad, but if said Section 2 is not stricken out, the right of way of the Northern Pacific branch lines would also be exempt from taxation.

It does not necessarily follow that every franchise granted to a railroad company by Congress, exempts its right of way from taxation; in fact, there are but few railroads that are thus exempt from taxation, but the Northern Pacific happens to be one of the favored few.

I do not desire the Senate to infer that what I have stated relative to the Northern Pacific railroad in answer to the questions asked, has any application to the balance of said bill, other than is necessarily involved in said questions and answers.

Said bill is constitutional, and if the Northern Pacific railroad avoids taxation on its right of way, etc., it is only for the reason that Congress has exempted it, and the same rule would not apply to a railroad whose right of way is not exempt.

Respectfully submitted,

C. A. M. SPENCER,  
Attorney General.

#### REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred  
House Bill No. 197,

A bill for an act to provide for the publication of reports of opinions rendered by the Supreme Court of the State of North Dakota by amending Section 7 of Chapter 171 of the laws passed by the First Legislative Assembly of the State of North Dakota,

Have had the same under consideration and recommend that the same be amended as follows:

By striking out in line 25 of said bill the words "two and one-half dollars" and inserting in lieu thereof the words "three dollars,"

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Johnson of Ward moved

That the report of the committee be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred  
House Bill No. 208,

A bill for an act to amend Article 15 of Chapter 73, Laws of 1887, entitled "An Act to provide for the incorporation of cities,"

Have had the same under consideration and recommend that the same do pass.

Also,

House Bill No. 187,

A bill for an act to legalize oaths and acknowledgments taken by registers of deeds, township clerks and notaries public,

And recommend that it be amended by striking out the word "each" in line 8 of said bill.

Also in said line 8 add the letter "s" to the word "register."

Also in line 9 add the letter "s" to the word "clerk."

Also strike out in said line 9 the word "notary" and insert in lieu thereof the word "notaries."

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved

That the report of the Committee on House Bill No. 187 be adopted,

Which motion prevailed and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred

House Bill No 42,

A bill for an act making railroad companies liable for damages caused by fire,

Have had the same under consideration and recommend that the same do pass.

JAMES McCORMICK,  
Chairman.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred

House Bill No. 164,

A bill for an act providing for bringing independent school districts under the provisions of the general school laws, and for the repeal of certain laws providing for independent districts,

Have had the same under consideration and recommend that the same do pass.

Also,

House Bill No. 145,

A bill for an act repealing Section 41 of Chapter 62, Session Laws of 1890, entitled "An act to provide a uniform system of



free public schools throughout the State and to prescribe penalties for the violation of the provisions thereof,"

And recommend that the same do pass.

J. H. WORST,  
Chairman.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads to whom was referred  
Senate Bill No. 106,

A bill for an act making railroad companies or corporations liable for damages by reason of sparks from locomotives or cars, Have had the same under consideration and recommend that the same be amended as follows:

Amend enacting clause by inserting before the word "of" the words "of the State."

And when so amended recommend that the same do pass.

R. J. JOHNSON,  
Chairman.

Mr. Nelson moved

That the report of the committee on Senate Bill No. 106 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred  
House Bill No. 176,

A bill for an act to amend Section 2 of Chapter 149, Laws of 1890, "An Act prescribing the great seal of the State of North Dakota, and the official seal of all courts and officers of the State who are authorized to use a seal,"

Have had the same under consideration and recommend that the same do pass.

JAMES McCORMICK,  
Chairman.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads to whom was referred  
Senate Bill No. 188,

A bill for an act to amend Sections 1, 2 and 3, Chapter 57, Laws of 1883, Sections 3018, 3019 and 3020, Compiled Laws of 1887, entitled "Railroad Corporations,"

Have had the same under consideration and report same back without recommendation.

R. J. JOHNSON,  
Chairman.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred  
House Bill No. 173,

A bill for an act to amend Sections 2 and 10, Chapter 107 of the General Laws of 1890, entitled "An act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils,"

Have had the same under consideration and recommend that the same be amended as follows:

Amend Section 2, line 21, of original bill by striking out the figures "150" and inserting in lieu thereof the figures "120."

Also, amend by striking out the figures "150" wherever they may appear in the following sections and inserting in lieu thereof the figures "120."

And when so amended recommend that the same do pass.

JAMES McCORMICK,  
Chairman.

Mr. Little moved

That the report of the committee on House Bill No. 173 be adopted,

Which motion prevailed.

And the bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred  
House bill No. 49,

A bill for an act for the protection of game,

Have had the same under consideration and recommend that the same be amended as follows:

Strike out all after line 4, Section 1 of said bill, and insert the following:

SEC. 2. It shall be unlawful for any person to shoot, trap, snare or kill any prairie chicken or pinnated grouse or sharp-tailed grouse or ruffed grouse or wild duck between the 1st day of December and the 20th day of August of the year following, or any song bird at any time, or to hunt upon the enclosed or cultivated premises of another, except uncultivated lands of non-residents of this state, without consent of the owner, tenant or agent thereof; *Provided, however,* That the owner, tenant or agent of such premises shall first post and maintain in at least two conspicuous places notices signed by such owner, tenant or agent of such prohibition on each highway running by and contiguous to such premises, and one such notice in a conspicuous place on each quarter section owned or controlled by the party prohibiting such shooting, such notices to be on that part of the premises most likely to give warning to hunters not entering such premises by the highway. Such notices to be fastened to stakes driven into the earth, and shall be at least three feet above the ground, and shall be legible at all times.

Also, that Section 2 of said bill be amended by inserting the words "Section 6" before the word "if" in line 5 of said Section 2, and by adding to the end of said Section 2 of the printed bill, as follows: *Provided, That no prosecutions un-*

der this act for hunting upon the premises of another shall be maintained, except upon information furnished by the owner, tenant or agent of such premises.

Also amend Section 2 by inserting in line 19 of said Section 2, after the word "dollars," the words "for each bird shot or killed and 10 dollars."

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Kinter moved

That the report of the committee on House Bill No. 49 be adopted,

Which motion prevailed and

The bill was referred to the Committee of Engrossing and Enrolled bills.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred  
Senate Bill No. 199,

A bill for an act entitled "An act prescribing the duties of the President pro tempore of the Senate,"

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

The Special Committee on Apportionment made the following report:

MR. PRESIDENT:

Your Special Committee on Apportionment to whom was referred

Senate Bill No. 194,

A bill for an act redistricting the State of North Dakota, and defining the boundaries of the Senatorial and Representative districts, and providing for the establishment of two classes, and election of both classes as provided in the Constitution,

Have had the same under consideration and recommend that the same be returned to the Senate and considered in the Committee of the Whole Senate.

C. B. LITTLE,  
Chairman.

The bill was referred to the Committee of the Whole Senate.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred  
House Bill No. 157,

A bill for an act to reimburse Prof. E. J. Babcock for expenses incurred in making investigations regarding the adaptability of

the State of North Dakota to the culture of sugar beets and for investigations regarding the value of North Dakota coals.

Have had the same under consideration and return the same without recommendation.

Also,  
Senate Bill No. 198,

A bill for an act to amend Section 8 of Chapter 68 of the General Laws of 1885, entitled "An act establishing the North Dakota Hospital for the Insane, and providing for the government of the North Dakota Hospital for the Insane,"

And recommend that the same be amended as follows:

The salary for the first assistant physician shall read \$1,200, instead of \$1,500.

The salary of the matron shall read "five hundred (500) dollars," instead of "six hundred (600) dollars."

And when so amended recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Worst moved

That the report of the Committee on Senate Bill No. 198 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Grain, Grain Grading and Warehousing made the following report:

MR. PRESIDENT:

Your Committee on Grain, Grain Grading and Warehousing to whom was referred

House Bill No. 154,

A bill for an act to provide for the right of erection of grain warehouses and elevators on the right of way of railroad corporations and contiguous thereto,

Have had the same under consideration, and recommend that the same do pass.

MAGNUS NELSON,  
Chairman.

#### REPORTS OF SPECIAL COMMITTEES.

The Special Committee on Journal Correction for the Fifty-Second Day made the following report:

MR. PRESIDENT:

Your Special Committee appointed to correct the Journal of the fifty-second day have carefully examined said Journal and find the following corrections to be made:

Page 5, [415] twenty-second line, from below after the word "act" insert the words "entitled an act."

Page 10, [420] bottom of page after the words "was read the third time" is left out the following: "Mr. Haggart moved to amend Senate Bill No. 176 by inserting after the word 'sex' in line 2, Section 1, the following: 'Over the age of 49 years.'"

Which motion prevailed.

Mr. McCormack of Grand Forks moved

That line 1, Section 2, second word, be amended as follows:

After the letter "p" strike out the letter "e" and insert in lieu thereof the letter "a."

Which motion prevailed.

Page 12, [422] between the words "which motion prevailed" and "Mr. Arnold moved" is omitted the following: "Mr. Worst moved that all motions relating to Senate Bill No. 176, except the motion to indefinitely postpone, be expunged from the records."

Which motion was lost.

When Journal is so corrected the committee recommend that it be adopted.

S. SVENNUNGSSEN,  
Chairman.

Mr. Little moved

That the report of the special committee be adopted,

Which motion prevailed.

The President announced his signature to

House Bill No. 29,

A bill for an act providing for extension of the time for the payment of the taxes for the year 1890.

Also,

House Bill No. 183,

A bill for an act to increase the revenues of the State by changing and increasing the boundaries of the counties of Pierce, McHenry, Bottineau, Ward, McLean, Williams, Billings, Stark, Morton and Mercer, and by repealing an act entitled "An act pertaining to the subdivision of the counties of Walleto and Howard, Dakota Territory," approved March 9, 1883.

Also,

House Bill No. 67,

A bill for an act to provide for the publication of proposed amendments to the Constitution of the State of North Dakota, fixing the rates of compensation therefor, and providing how said compensation shall be made.

Mr. Little was called to the Chair.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Kinter moved

That the rules be suspended, and that all Senate bills now on

the Secretary's desk be read the first and second times, and referred to their proper committees.

Mr. Kinter introduced—

Senate Bill No. 200,

A bill for an act to amend an act entitled "An act to regulate the practice of pharmacy, the licensing of persons to carry out such practice, and the sale of poisons in the State of North Dakota,"

Which was read the first and second times, and referred to the Committee on Public Health.

Mr. Almen introduced—

Senate Bill No. 201,

A bill for an act to repeal an act entitled "An act designating and appropriating Section 36, in Township 140 of Range 49 west, in the county of Cass, for the use of the Agricultural College as a site for that institution," approved January 21, 1891,

Which was read the first and second times, and referred to the Committee on Judiciary.

Mr. LaMoure moved

That the rules be suspended and that House Bill No. 114 be read the third time and placed upon its final passage,

Which motion prevailed.

Mr. Nelson moved

That the rules be suspended and that House Bills Nos. 172, 94 and 150 be read the third time and placed upon their final passage.

Which motion prevailed.

House Bill No. 114.

A bill for an act locating the Blind Asylum of the State of North Dakota in the county of Pembina and providing for an election of the electors of said county to determine the place in said county in which said institution shall be placed,

Was read the third time.

The Senate returned to the sixth order of business.

The Committee on Military Affairs made the following report:

MR. PRESIDENT:

Your Committee on Military Affairs to whom was referred

House Bill No. 150,

A bill for an act to repeal Chapter 94, Session Laws of 1890, and to amend Sections 1920, 1922, 1928, 1936, 1937 and 1972 of the Political Code of 1877,

Have had the same under consideration and recommend that the same do pass.

A. BISBEE,  
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred  
Senate Bill No. 196,

A bill for an act entitled "An act regulating the adoption of  
children,"

Have had the same under consideration and recommend that  
the same do pass.

C. B. LITTLE,  
Chairman.

The question recurring upon the final passage of House Bill  
No. 114,

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,  
Ink,

Messrs—

Johnson, of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F<sup>ks</sup>.  
McCormick, Ramsey,  
Miller,

Messrs—

Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungesen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Arnold,  
Bidlake,

Messrs—

Haggart,  
Johnson, of Traill,

Messrs—

McGillivray.

Mr. Bidlake being excused.

So the bill passed and the title was agreed to.

House Bill No. 172,

A bill for an act authorizing civil townships to issue bonds to  
procure seed for needy farmers resident therein,

Was read the third time.

Mr. Pinknam moved

That the report of the committee be adopted,

Which motion prevailed.

The question recurring upon the final passage of the bill,

The roll being called, there were ayes 23, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Euger,  
Ink,

Messrs—

Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormack, G. F<sup>ks</sup>.  
McCormick, Ramsey,  
Miller,

Messrs—

Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungesen,  
Svensrud,  
Weiser.

Absent and not voting:

Messrs—

Arnold,  
Bidlake,  
Fuller,

Messrs—

Haggart,  
Johnson of Traill,  
LaMoure,

Messrs—

McGillivray,  
Worst.

Mr. Bidlake being excused.

So the bill passed, and the title was agreed to.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have delivered Senate Bills No. 66 and 100 to the Governor, this 28th day of February, 1891, at 2:05 o'clock p. m.

R. N. INK,  
Chairman.

SPECIAL ORDERS.

The hour having arrived for the consideration of Special Orders,

Senate Bill No. 190,

A bill for an act defining the residence of qualified electors of the State of North Dakota,

Was read the third time.

Mr. Johnson of Ward moved

That the report of the committee be adopted,

Which motion prevailed.

Mr. Kinter moved

To amend by striking out of Section 2, lines 4 and 5, the words "the major portion of,"

Which motion prevailed.

Mr. Kinter moved

To amend by adding the following as Section 5:

SEC. 5. That any naturalized elector who is unable from any cause to procure and exhibit (when required to do so) to the election board his papers of naturalization, he shall not be permitted to vote, unless he makes it clear by his oath, or the oath of two other qualified electors, that such papers of naturalization had been duly obtained, also setting forth fully the reasons for his inability to exhibit the same.

Change Section 5 in printed bill to Section 6.

Which motion was lost.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 19, nays 9.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bisbee,

Messrs—

Kinter,  
Kuhn,  
LaMoure,

Messrs—

Nelson,  
Palmer,  
Patch,



Messrs—  
Bjorgo,  
Brynjolfson,  
Cashel,  
Enger,

Messrs—  
Little,  
Lowry,  
McCormack, G. F'rks,

Messrs—  
Pinkham,  
Svensrud,  
Worst.

Those who voted in the negative were:

Messrs—  
Engle,  
Fuller,  
Ink,

Messrs—  
Johnson of Ward,  
McCormick, Ramsey,  
McGillivray,

Messrs—  
Miller,  
Svenningsen,  
Weiser.

Absent and not voting:

Messrs—  
Bidlake,

Messrs—  
Haggart,

Messrs—  
Johnson of Traill.

Mr. Bidlake being excused.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
February 28, 1891. }

MR. PRESIDENT:

I have the honor to transmit herewith  
House Bill No. 60,

A bill for an act requiring the Scandinavian language to be  
taught at the State University at Grand Forks.

Also,  
House bill 130,

A bill for an act amending Sections 695 and 697 of the Penal  
Code, being Sections 6886 and 6888 Compiled Laws, and for the  
further prevention of cruelty to animals.

Also,  
House Bill No. 193,

A bill for an act to amend Sections 1 and 7 of Chapter 150 of  
the Laws of 1890, being an act entitled "An Act to provide for  
liens upon crops and for the levy of a tax to secure the payment  
of the purchase price of seed grain,"

Also,  
House Bill No. 230,

A bill for an act attaching a portion of township 151 north,  
range 62 west, situated in the county of Benson, to the county of  
Ramsey,

All of which have passed the House, and your favorable  
consideration thereof is respectfully requested.

Also,  
Substitute for House bill No. 65,

A bill for an act relating to life, casualty and other insurance  
on the assessment plan, and the conduct of the business of such  
insurance.

Also,

House bill No. 244,

A bill for an act making an appropriation to pay certain expenses incurred by the Second Legislative Assembly of the State of North Dakota.

Both of which have passed the House, and your favorable thereof is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

House Bill No. 94,

A bill for an act attaching certain Townships to the County of Ramsey,

Was read third time, and

Mr. Worst moved

That the report of the committee be adopted.

Which motion prevailed.

The question recurring upon the final passage of the bill,  
The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,

Messrs—

Ink,  
Johnson of Ward,  
Kinter,  
LaMoure,  
Little,  
Lowry,  
McCormack of G F's  
McCormick, Ramsey,  
McGillivray,

Messrs—

Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Bidlake,  
Haggart,

Messrs—

Johnson of Traill,

Messrs—

Kuhn.

Mr. Bidlake being excused.

So the bill passed and the title was agreed to.

The Lieutenant Governor in the Chair.

Mr. Little moved

That the rules be suspended, and that the Senate do now proceed to the third reading of Senate bills,

Which motion prevailed.

### THIRD READING OF SENATE BILLS.

Senate Bill No. 109,

A bill for an act to amend Section 112 of Chapter 2 of the Justices' Code, being Section 6153 of the Compiled Laws of 1887,

Was read the third time.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 23, nays 6.

Those who voted in the affirmative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Almen,	Ink,	McCormack, G. F'rks,
Arnold,	Johnson of Traill,	McGillivray,
Bjorgo,	Johnson of Ward,	Miller,
Brynjolfson,	Kinter,	Patch,
Cashel,	Kuhn,	Svennungsen,
Engle,	LaMoure,	Weiser,
Fuller,	Little,	Worst.
Haggart,	Lowry,	

Those who voted in the negative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Bisbee,	McCormick, Ramsey.	Palmer,
Enger,	Nelson,	Svensrud.

Messrs. Bidlake and Pinkham being absent and not voting.

Mr. Bidlake being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 162,

A bill for an act requiring the clerk of the district and county courts to make an alphabetical index to court records,  
Was read the third time.

The question recurring upon the final passage of the bill,  
The roll being called there were ayes 26, nays 4.

Those who voted in the affirmative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Almen,	Haggart,	McGillivray,
Arnold,	Ink,	Miller,
Bisbee,	Johnson of Traill,	Patch,
Bjorgo,	Johnson of Ward,	Pinkham,
Brynjolfson,	Kinter,	Svennungsen,
Cashel,	Kuhn,	Svensrud,
Engle,	Little,	Weiser,
Enger,	Lowry,	Worst.
Fuller,	McCormack, G F'rks,	

Those who voted in the negative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
LaMoure,	Nelson,	Palmer.
McCormick, Ramsey,		

Mr. Bidlake being excused.

So the bill passed, and the title was agreed to.

Senate Bill No. 145,

A bill for an act to amend Section 4 of Chapter 50 of the Laws of the first session of the Legislative Assembly of the State of North Dakota, entitled "An act to fix the compensation of the judges of county courts and provide a fund to reimburse the county for same,"

Was read the third time.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 29, nays 0.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Johnson of Traill,	Miller,
Arnold,	Johnson of Ward,	Nelson,
Bisbee,	Kinter,	Palmer,
Bjorgo,	Kuhn,	Patch,
Brynjolfson,	LaMoure,	Pinkham,
Cashel,	Little,	Svennungesen,
Engle,	Lowry,	Svensrud,
Enger,	McCormack of G.Fk's	Weiser,
Haggart,	McCormick, Ramsey,	Worst.
Ink,	McGillivray,	

Messrs. Bidlake and Fuller being absent and not voing.

Mr. Bidlake being excused.

So the bill passed, and the title was agreed to.

House Bill No. 177,

A bill for an act defining the criminal jurisdiction of county courts having criminal and civil jurisdiction, and providing for the practice and procedure therein and to provide clerk hire therefor, Was read the third time.

Mr. Pinkham moved

That the courtesies of the floor be extended to Hons. C. F. Amidon, Jacob Lowell, O. W. Francis and F. H. Irons of Fargo, Which motion prevailed.

Mr. Bisbee moved

That the further consideration of Senate Bill No. 177 be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes 14, nays 13.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bisbee,	Ink,	Nelson,
Bjorgo,	Johnson of Ward,	Palmer,
Brynjolfson,	McCormack of G Fks,	Patch,
Cashel,	McGillivray,	Weiser.
Engle,	Miller,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Almen,	Kinter,	Pinkham,
Arnold,	Kuhn,	Svennungesen,
Enger,	LaMoure,	Svensrud,
Haggart,	McCormick, Ramsey,	Worst.
Johnson of Traill,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bidlake,	Little,	Lowry.
Fuller,		

Mr. Bidlake being excused.

So the motion prevailed.

Mr. Little moved

That Senate Bill No. 66 be recalled from the Governor for correction,

Which motion prevailed.

Senate Bill No. 188,

A bill for an act to amend Sections 1, 2 and 3, Chapter 57, Laws of 1883, Sections 3018, 3019 and 3020, Compiled Laws of 1887, entitled Railroad Corporations,

Was read the third time.

Mr. Worst moved that the bill be referred to the Committee on Judiciary,

Which motion prevailed.

Senate Bill No. 106,

A bill for an act making railway companies or corporations liable for damages by reason of sparks from locomotives or cars,

Was read the third time.

Mr. Worst moved

That Senate Bill No. 106 be referred to the Committee on Judiciary,

Which motion was lost.

Mr. Worst moved

To amend the title so that it will read "Locomotives, engines or cars,

Which motion prevailed.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 12, nays 18.

Those who voted in the affirmative were:

Messrs—

Almen,  
Bjorgo,  
Enger,  
Johnson of Traill,

Messrs—

Johnson of Ward,  
Kinter,  
Kuhn,  
McCormick, Ramsey,

Messrs—

Nelson,  
Patch,  
Pinkham,  
Weiser.

Those who voted in the negative were:

Messrs—

Arnold,  
Bisbee,  
Brynjolfson,  
Cashel,  
Engle,  
Fuller,

Messrs—

Haggart,  
Ink,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. Fks,

Messrs—

McGillivray,  
Miller,  
Palmer,  
Svenningsen,  
Svensrud,  
Worst.

Mr. Bidlake being absent and excused.

So the bill was lost.

Senate Bill No. 199,

A bill for an act entitled "An Act prescribing the duties of the President pro tempore of the Senate,

Was read the third time.

Mr. Worst moved

That the report of the committee be adopted,

Which motion prevailed.

The question recurring upon the final passage of the bill,  
The roll being called there were ayes 30, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Enger,  
Engle,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack G. Fk's,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svenningsen,  
Svensrud,  
Weiser,  
Worst.

Mr. Bidlake being absent and excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bill No. 199 was passed be re-considered.

Mr. Worst moved

To lay the motion upon the table,

Which motion prevailed.

Senate Bill No. 143,

A bill for an act relating to the liability of railroad corporations to employes for personal injuries,

Was read the third time.

Mr. Brynjolfson moved

That the bill be referred to the Committee on Judiciary,

Which motion prevailed.

Senate Bill No. 116,

A bill for an act requiring railroad companies to use safety couplers on freight cars,

Was read the third time.

Mr. McCormack of Grand Forks moved

That the bill be referred to the Committee on Judiciary,

Which motion prevailed.

Senate Bill No. 138,

A bill for an act making an appropriation for the erection of a dormitory and boiler house for the University of North Dakota,

Was read the third time.

Mr. Worst moved

That further consideration of the bill be indefinitely postponed.

Mr. Patch moved as a substitute

That the bill be referred to the Committee on Judiciary,

Which motion prevailed.

Senate Bill No. 103,

A bill for an act amending Section 3, Chapter 83 of the Laws of 1890,

Was read the third time.

Mr. Little moved

That further consideration of the bill be indefinitely postponed.

Mr. McCormack moved as an amendment

That the bill be referred to the Committee on Judiciary.

Mr. Worst moved

To lay the amendment on the table.

Which motion prevailed.

The question recurring upon the motion to indefinitely postpone the motion prevailed.

Senate Bill No. 46,

A bill for an act attaching and annexing the county of Church, in the Second Judicial District of the State of North Dakota to the county of Pierce in said Judicial district and State for judicial and other purposes,

Was read the third time.

Mr. Svensrud moved

That further consideration of the bill be indefinitely postponed.

Mr. Haggart moved as a substitute that that the bill be referred to the Committee on Judiciary.

Mr. Kinter moved

To lay the motion upon the table,

Which motion was lost.

The question recurring upon the substitute motion.

The motion prevailed.

The Special Committee on Journal Correction for the fifty-third day made the following report:

MR. PRESIDENT:

Your special committee appointed to correct the Journal of the fifty-third day have examined the same and find it correct.

D. P. KUHN,  
Chairman.

Mr. Little moved

That the report of the committee be adopted,

Which motion prevailed.

Mr. Little moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

FIFTY-SIXTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
March 2, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieut-Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

Mr. Worst moved

That the reading of the Journal be dispensed with, and that a committee be appointed to correct the same,

Which motion prevailed.

The President appointed as such committee Messrs. Bidlake and Brynjolfson.

PETITIONS AND COMMUNICATIONS.

Mr. Kinter presented the following petition:

*To the Honorable, the Senate and House of Representatives of the State of North Dakota:*

The undersigned residents and citizens of the State of North Dakota hereby respectfully petition for the enactment of a law fixing the salaries of county treasurers, registers of deeds, county auditors and clerks of the district courts at the sum of \$1,000 per annum, payable quarterly, out of the county treasury, on the warrant of the board of county commissioners; and also limiting the number of commissioners to three for each county, and fixing their compensation at \$2 per day for each day necessarily engaged with the business of the county, and mileage at the rate of five cents per mile for each mile necessarily traveled.

NILS SORBY,  
and 55 others.

Dated November 1, 1890.

The petition was referred to the Committee on Counties.

Mr. Kinter presented the following remonstrance:

Citizens' protest against repealing the Prohibition Law.

*Resolved*, That whereas there is an attempt being made in the present legislature to repeal the effective portions of the existing prohibition law, and thereby repudiate the pledges made by the Republican party to the people of the State, and in effect nullify one of the provisions of the Constitution of the State; and



WHEREAS, The repeal of the existing law would leave the State unprotected against the open saloon, and establish a reign of free whisky without regulation or police protection, in every village and hamlet, and,

WHEREAS, We believe that all law abiding citizens desire that the will of the people as voiced in their votes should have a fair trial by the enforcement of the existing law, we, the undersigned citizens of La Moure county, join earnestly in the above remonstrance,

S. E. BROWN,  
and 16 others.

Also, a similar petition signed by

J. S. BOYD,  
and 33 others.

Mr. Johnson of Traill presented the following petition:

We, the citizens of Reynolds and vicinity, do hereby protest most heartily against any action being taken by our legislators, at present assembled at Bismarck, that would in any degree nullify our existing prohibition law. We are pleased to look upon laws at present upon our statutes with respect, and if under existing circumstances they are continued, and a full and fair trial given we are assured that there shall be witnessed in our State a growth in prosperity as well as morality.

H. R. DICKIESON,  
and 73 others.

The petition was referred to the Committee on Temperance.

Mr. Arnold presented the following petition:

INKSTER, N. D., January 13, 1891.

*To the Honorable, the Senate and House of Representatives of the Legislative Assembly of the State of North Dakota:*

WHEREAS, Petitions have been circulated asking your honorable body to provide for an increase of salary of certain officers of the county of Grand Forks, and believing such a course to be decidedly unwise at the present time.

Therefore, We, the undersigned desire in this manner to earnestly protest against such action.

W. N. LOVELL,  
and 58 others.

Mr. Pinkham presented the following petition:

CASSELTON, N. D., February 28, 1891.

At a public meeting of citizens held in the city of Casselton on the evening of February 28, 1891, the following resolutions were unanimously adopted:

WHEREAS, There has been introduced into our Legislative Assembly a bill for an act to repeal the prohibition law of our State, the effect of which, if passed, will be to thwart the will of our people expressed in adopting the State Constitution; and,

WHEREAS, The republican party of our State, in convention assembled, pledged that said law should have a fair trial and that the home should be protected from the evils of the saloon; it is

*Resolved*, That we respectfully but urgently call upon each and every member of said Legislative Assembly, and particularly the republican members thereof, to use all honorable means to prevent the repeal of said law or the passage of any amendment thereto which will in any manner impair its effectiveness; and,

*Resolved*, That these resolutions be immediately signed in duplicate and forwarded to Hon. N. B. Pinkham, our State Senator, and to our honorable members of the House, Messrs. Holte, Tufts and Peterson.

R. M. PALLOCK,  
Secretary.

FRANK LYNCH,  
Chairman,  
and 25 others.

The petition was referred to the Committee on Temperance.

SPECIAL ORDERS.

The hour having arrived for the consideration of special orders,  
Senate Bill No. 168,

A bill for an act providing for the assessment for the purpose of taxation of the property of railroad corporations, individuals or associations operating railroads in this State, and the collection of taxes thereon, and to repeal Chapters 134 and 135 of the Laws of 1890,

Was read the third time.

Mr. McCormick of Ramsey moved

That the report of the committee be adopted.

The vote being a tie, Mr. President voted aye,

So the motion prevailed.

Mr. McCormack of Grand Forks moved

That the bill be recommitted to the Committee on Judiciary.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }  
March 2, 1891. }

*To the President of the Senate:*

I have the honor to inform you that I have approved

Senate Bill No. 66,

An act for an appropriation for the current and contingent expenses of the Asylum at Jamestown for the Insane and for making needed permanent improvements.

Also,

Senate Bill No. 61,

An act to provide funds for the construction and maintenance of the State Normal School at Valley City.

Also,

Senate Bill No. 100,

An act appropriating money to pay the expenses of selecting and acquiring title to lands donated by Congress to the State of North Dakota for its public institutions, and to carry out the provisions of an act providing for the organization of the Board of University and School Lands, approved March 20, 1890.

Very respectfully,

ANDREW H. BURKE,  
Governor.

Also, a sealed communication was received from the Governor:

Mr. Little moved

That the Senate do now go into executive session for the pur-

pose of considering a sealed communication from the Governor,  
Which motion prevailed, and  
The Senate went into executive session.

The following appointments of the Governor were confirmed in executive session:

Public Examiner -- Robert E. Wallace, Jamestown, for the period of two years.

Oil Inspector--Frank A. Wardell, Pembina, for the period of two years.

Member of the Board of Trustees for the Hospital for the Insane at Jamestown--John E. Paulson, Hillboro, for the period of four years; vice J. Lonne, resigned.

State Veterinarian--W. C. Langdon, Fargo, for the period of two years.

Members of the Board of Education for the Academy of Science at Wahpeton--

John Nelson, Wahpeton, for the period of six years.

M. T. Stevens, Wahpeton, for the period of four years.

Luther V. Babcock, Forman, for the period of two years.

Members of the Board of Equalization--

Joseph Tombs, Grafton.

A. L. Hanscom, Towner.

A. B. Guptill, Fargo.

W. S. Buchanan, Sargent county.

William Dwyer, Napoleon.

James R. Clark, Mandan.

For the period prescribed by law.

Members of the Board of Trustees for the North Dakota School for Deaf and Dumb at Devils Lake--

H. H. Ruger, Devils Lake.

H. R. Dickieson, Reynolds.

George Juerger, Devils Lake.

Edward L. Yager, Oberon.

James F. O'Brien, Devils Lake.

For the period prescribed law.

State Board of Agriculture--

Omer L. Steele, Johnstown.

Oscar Will, Bismarck.

E. H. Thursby, Towner.

E. A. Sanford, Jamestown.

William Weaver, Durbin.

Arthur W. Farley, Ashley.

#### PREVIOUS CONFIRMATIONS.

(Inserted by order of the Senate.)

Board of Trustees for the Hospital for the Insane at Jamestown--

James R. Smith, Wheatland, for the period of four years.

J. Lonne, Hillsboro, for the period of four years.

George Auld, Dickinson, for the period of two years.

F. B. Fancher, Jamestown, for the period of four years.

Gustav Lieber, Jamestown, for the period of two years.

Superintendent of Public Health for the State of North Dakota--F. H. De Vaux, Valley City, to fill the vacancy occasioned by the resignation of Henry W. Coe, recently appointed.

Henry A. Armstrong, Williamsport, as member of the Board of Trustees for the Reform School at Mandan, to fill the vacancy occasioned by the resignation of H. R. Lyon, recently appointed.

**Board of Directors for the Normal School at Mayville—**

Lucien B. Gibbs, Mayville.  
Engrebret M. Paulson, Mayville.  
Charles A. Bigelow, Rugby.  
Ole Serumgard, Devils Lake.  
George E. Bowers, Hillsboro.

For the period of two years, as per Section 4, Chapter 162, Session Laws of 1890.

**Board of Directors for North Dakota Agricultural College, at Fargo—**

Ornn W. Francis, Fargo, for the period of four years.  
James B. Powers, Helendale, for the period of two years.  
H. F. Miller, Fargo, for the period of four years.  
Jacob Lowell, Fargo, for the period of four years.  
Joseph Deschenes, Grafton, for the period of two years.  
Rollin C. Cooper, Coopers own, for the period of two years.  
Peter McKenna, Fargo, for the period of four years.

**Board of Directors for the State Normal School at Valley City—**

Charles E. Heidel, Valley City.  
Frank P. Wright, Valley City.  
George Kanause, Valley City.  
Thomas M. Elliott, Elliott.  
William Goodrich, Jamestown.

For the period of two years, as per Section 3, Chapter 163, Session Laws, 1890.

**Board of Directors for the Reform School at Mandan—**

Hiram R. Lyon, Mandan.  
Elnjah Boley, Mandan.  
James E. Campbell, Mandan.  
Joseph A. Farris, Medora.  
Louis Connelly, Hensler.

As per Section 2, Chapter 164, Session Laws of 1890.

**Board of Trustees for the University of North Dakota, at Grand Forks—**

William N. Roach, Larimore, for the period of four years.  
James Twamley, Minto, for the period of two years.  
William Budge, Grand Forks, for the period of four years.  
Herbert L. Holmes, Neche, for the period of four years.  
John M. Lamb, Michigan City, for the period of two years.

**Board of Commissioners for the Soldiers Home at Lisbon—**

Harris Gardner, Lisbon.  
S. G. Roberts, Fargo.  
R. H. Hankinson, Hankinson.  
Nathan Linton, Milnor.

All for the term prescribed by law.

**Board of Trustees for the North Dakota Penitentiary at Bismarck—**

Josept Lamont, Fargo, for the period of four years.  
A. Van Horn, Bismarck, for the period of two years.  
Frank Donnelly, Bismarck, for the period of two years.  
Charles E. Stowers, Wheatland, for the period of four years.  
W. H. Robinson, Mayville, for the period of four years.

**Superintendent of Public Health for the State of North Dakota—**

Henry W. Coe, Mandan.  
For the period prescribed by law.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
March 2, 1891. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 227,

A bill for an act to repeal Section 7 of Chapter 30 of the Laws of 1890, being an act authorizing counties to fund outstanding indebtedness.

Also,

Substitute for House Bill No. 22,

A bill for an act to amend Section 1 of Chapter 157 of the Laws of 1890, entitled, "Bounty for Wolf Scalps."

Also,

House Bill No. 205,

A bill for an act making an appropriation to pay James M. Gleason for labor as Janitor at the Capitol.

Also,

Substitute for House Bill No. 203,

A bill for an act to amend Section 16 of an act entitled "An act to regulate the practice of Pharmacy, the licensing of persons to carry on such practice, and the sale of poisons in the State of North Dakota," Chapter 108, Session Laws of 1890.

Also,

House Bill No. 212,

A bill for an act to regulate grain warehouses and the inspection, weighing and handling of grain and defining the duties of the Railroad Commissioners in relation thereto.

Also,

House Bill No. 195,

A bill for an act to provide for the compilation, publication, distribution and sale of the laws of the State of North Dakota,

Which have passed the House, and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

The question recurring upon the motion of Mr. McCormack of Grand Forks to recommit Senate Bill No. 168 to the Committee on Judiciary.

Roll call demanded.

The roll being called there were ayes 12, nays 18.

Those who voted in the affirmative were:

Messrs—

Bidlake,  
Bisbee,  
Fuller,  
Haggart,

Messrs—

Johnson of Ward,  
LaMoure,  
Little,  
Lowry,

Messrs—

McCormack, G. Fks,  
McGillivray,  
Miller,  
Worst.

Those who voted in the negative were:

Messrs—

Almen,  
Arnold,  
Bjorgo,  
Cashel,  
Engle,  
Enger,

Messrs—

Ink,  
Johnson of Traill,  
Kinter,  
Kuhn,  
McCormick, Ramsey,  
Nelson,

Messrs—

Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser.

Mr. Brynjolfson being absent and not voting.

So the motion was lost.

Mr. Ink moved

To amend by striking out Section 33, and inserting in lieu thereof, as follows: "This act shall not apply to any railroad company owning or operating a railroad or railroads in this State which has accepted the provisions of Chapter 134 of the Laws of 1890, and the act of which the same is amendatory, and which shall have paid and shall continue to pay its taxes in accordance with the provisions thereof."

Mr. Cashel moved

That Senate Bill No. 168 be made a special order for to-morrow at 2:30 o'clock p. m., and that the amendment offered by Mr. Ink be transmitted to the Attorney General for his opinion.

Which motion prevailed.

Mr. Kinter moved

That the Attorney General be asked for his opinion as to the constitutionality of the gross earnings law, Chapter 134,

Which motion prevailed.

#### REPORTS OF STANDING COMMITTEES.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred  
House Bill No. 155,

A bill for an act to repeal Chapter 27 of the Laws of 1890, entitled "An act to establish a board of inspectors of steam vessels and steam boilers, and to provide for licensing of engineers of steam engines,"

Have had the same under consideration and recommend that the same be returned without recommendation.

Also,

House Bill No. 158,

A bill for an act to amend Section 20 of Chapter 119 of the Laws of 1890,

And recommend that the same be amended as follows:

SEC. 20. There shall be printed 1,000 copies of the biennial reports of the State Auditor, Treasurer and Superintendent of Public Instruction, and 500 copies of the biennial reports of other State Officers, and public institutions required to make reports; and 600 copies of the biennial reports of the Commissioner of Insurance; also, 1,000 copies of the biennial reports of the Commissioner of Agriculture and Labor; *Provided*, That on request of the Com-

missioner of Agriculture and Labor, such request to be approved by the Governor, there shall be printed separately, in pamphlet form, such parts of the biennial report of the said Commissioner of Agriculture and Labor, or such special papers, or articles in connection therewith, and also, such crop reports, or other papers or pamphlets from time to time as the said Commissioner and the Governor may jointly recommend for such separate publication, and the number of copies to be printed of each of such separate publications, crop reports or other papers, or pamphlets shall be determined by the Commissioner of Agriculture and Labor and the Governor jointly.

And when so amended recommend that the same do pass.

JAMES JOHNSON,  
Chairman.

Mr. Little moved

That the report of the committee on House Bill No. 158 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred  
Substitute for House Bill No. 156,

A bill for an act to amend Chapter 46 of the Laws of 1890,

Have had the same under consideration and recommend that the same be amended as follows:

That the words "as fresh" in line fifteen of Section 11 of said bill be stricken out and the words "the latest" added in lieu thereof.

That the words "as possible" be stricken out in line 18, Section 11 of said bill.

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. McGillivray moved

That the report of the committee on House Bill No. 156 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred  
House Bill No 101,

A bill for an act prescribing a time for redeeming property sold by virtue of chattel mortgage,

Have had the same under consideration and recommend that the same be amended as follows:

That line 8, of Section 1, of said bill be amended by striking out the word "ten" where it appears in said line 8, and insert in lieu thereof the word "five."

That the following be added as "Section 4. And in no case shall any instrument purporting on its face to be a mortgage of personal property, be held or deemed to be other than security for the debt it purports to secure, and neither the property which it purports to mortgage nor the proceeds thereof shall be deemed or held to inure to the benefit of any person other than the mortgagee, his assigns or legal representatives, as security for the debt it purports to secure."

That the figure "4" line 7, on second page of said bill, be stricken out, and the figure "5" be inserted in lieu thereof,

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Miller moved

That the report of the committee on House Bill 101 be adopted.

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled bills.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

Senate Bill No. 161,

A bill for an act to amend Section 25 of Chapter — of the Laws of 1891, entitled "A bill for an act regulating appeals from the district courts to the Supreme Court, and to repeal Chapters 3 and 16 of the Code of Civil Procedure, Dakota Territory, as published in Levissee's Code, and Chapters 20 and 26 of the Session Laws of Dakota Territory of the year 1887; also, Sections 5213 to 5239, both inclusive, of the Compiled Laws of Dakota Territory of the year 1887,"

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Johnson of Traill moved

That the rules be suspended, and that Senate Bill No. 161 be read the third time and placed upon its final passage,

Which motion prevailed.

Senate Bill No. 161,

A bill for an act to amend Section 25 of Chapter — of the Laws of 1891, entitled "A bill for an act regulating appeals from the district courts to the Supreme Court, and to repeal Chapters 3 and 16 of the Code of Civil Procedure, Dakota Territory, as published in Levissee's Code, and Chapters 20 and 26 of the Session Laws of Dakota Territory of the year 1887; also, Sections 5213 to 5239, both inclusive, of the Compiled Laws of Dakota Territory of the year 1887,"

Was read the third time.

Mr. Johnson of Traill moved

That the report of the committee be adopted,

Which motion prevailed.



The question recurring upon the final passage of the bill,  
The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bisbee,  
Bjorgo,  
Brynjoltson,  
Cashel,  
Engle,  
Enger,  
Haggart,  
Ink,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F'ks  
McCormick, Ramsey,

Messrs—

Miller,  
Nelson,  
Palmer  
Patch,  
Pinkham,  
Svenningsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Bidlake,

Messrs—

Fuller,

Messrs—

McGillivray.

So the bill passed, and the title was agreed to.

Mr. Haggart moved

That the vote by which Senate Bill No. 161 was passed be re-considered.

Mr. Little moved

To lay the motion upon the table,

Which motion prevailed.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

Senate Bill No. 201,

A bill for an act to repeal an act entitled "An act designating and appropriating Section 36, in Township 140 of Range 49 west, in the county of Cass, for the use of the Agricultural College as a site for that institution," approved January 21, 1891,

Have had the same under consideration and recommend that the same do not pass.

Also,

House Bill No. 182,

A bill for an act exempting volunteer firemen from jury duty, and from the payment of poll tax within the State of North Dakota,

And recommend that the same do pass.

Also,

House Bill No. 90,

A bill for an act to amend Section 1, Chapter 20, of the Political Code, being Section 487 of the Compiled Laws North Dakota. 1887,

And recommend that the same do not pass.

Also,

House Bill No. 177

A bill for an act defining the criminal jurisdiction of county courts having criminal and civil jurisdiction, and providing for the practice and procedure therein and to provide clerk hire therefor, And recommend that the same be amended as follows:

That the word "supreme" in line 6, Section 3, be stricken out and the word "district" inserted in lieu thereof.

That the words from and including the word "and" in line 5 of Section 5 of said bill to the end of said section be stricken out and the words "and the proceedings on such appeals shall be the same as now or may hereafter be provided for appeals from judgments of justice of the peace to the district court" be added in lieu thereof.

That Section 11 of said bill be stricken out.

That Sections 12, 13 and 14 in said bill be amended to be Sections 11, 12 and 13, respectively.

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Worst moved

That the report of the committee on House Bill No. 177 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Conference Committee on Coal Mines and Mining made the following report:

MR. PRESIDENT:

Your Conference Committee on Coal Mines and Mining to whom was referred

House Bill No. 25,

A bill for an act to encourage the development of the coal mines of the State, and to determine the kind of coal that shall be used as fuel in the various State institutions,

Have had the same under consideration and recommend that the same pass as amended by the Senate.

A. C. MCGILLIVRAY,  
C. B. LITTLE,  
On part of Senate.  
FRED HOLRITZ,  
H. S. OLIVER,  
On part of House.

Mr. McGillivray moved

That the report of the Conference Committee be adopted,

Which motion prevailed.

The Committee on Public Health made the following report:

MR. PRESIDENT:

Your Committee on Public Health to whom was referred

House Bill No. 104,

A bill for an act amending Chapter 93 of the Laws of the State

of North Dakota for the year A. D. 1890, being an act to regulate the practice of medicine in the State of North Dakota; to license physicians, surgeons, obstetricians, and to punish persons violating the provisions thereof,

Have had the same under consideration and recommend that the same be referred to the Committee on Judiciary.

S. B. BRYNJOLFSON,  
Chairman.

Mr. McCormack of Grand Forks moved  
That the report of the committee on House Bill No. 104 be adopted,  
Which motion prevailed.

The Committee on State Library made the following report:

MR. PRESIDENT:

Your Committee on State Library to whom was referred  
Senate Bill No. 114,

A bill for an act making appropriation for a library in the office of the Superintendent of Public Instruction,

Have had the same under consideration and recommend that the same do pass.

JUDSON LAMOURE,  
Chairman.

The Committee on Woman Suffrage made the following report:

MR. PRESIDENT:

Your Committee on Woman Suffrage to whom was referred  
Senate Bill No. 195,

A bill for an act granting the right of suffrage to women,

Have had the same under consideration and recommend that the same do pass.

JOHN BJORGO  
Chairman.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred  
Senate Bill No. 164,

A bill for an act to make an appropriation for the collection, arrangement and display of the products of the State of North Dakota at the World's Columbian Exposition of 1893 and to provide for the expenses of the State Commissioners thereof,

Have had the same under consideration and recommend that the same do pass.

Also,  
Senate Bill No. 159,

A bill for an act to relieve Louise Von Lindeman, whose stock had to be killed to check the progress of an infectious disease,

And return the same without recommendation.

Also,

Senate Bill No. 136,

A bill for an act to indemnify certain persons whose stock was killed by the State Veterinary Surgeon to prevent and suppress the spread of contagious and infectious diseases of domestic animals.

And recommend that the following section be added:

SEC. 5. That the sum of one hundred (100) dollars is hereby appropriated out of the funds in State Treasury to indemnify S. C. Jenkins of town of Reed, Cass county, N. D., for one horse killed by the State Veterinary Surgeon, to prevent and suppress the spread of contagious and infectious diseases within the State.

And that Section 5 be changed to Section 6.

And when so amended recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. McGillivray moved

That the report of the Committee on Senate Bill No. 136 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

Mr. McCormick of Ramsey moved

That the rules be suspended and that all House bills on the Secretary's table be read the first and second times, and be referred to their proper committees,

Which motion prevailed.

Mr. McCormack of Grand Forks moved

That the rules be suspended and that the ninth order of business be taken up, and that all Senate bills now on the Secretary's desk be read the first and second times, and be referred to their proper committees,

Which motion prevailed.

#### INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Worst introduced—

Senate Bill No. 202,

A bill for an act to repeal all special and private laws pertaining to the organization and government of independent school districts, except the laws pertaining to certain independent school districts that are at present operating under the provisions of special law,

Which was read the first and second times, and referred to the Committee on Education.

Mr. McCormack of Grand Forks introduced—

Senate Bill No. 203,

A bill for an act to amend Chapter 132 of the Session Laws of

1890, entitled "An act prescribing the mode of making assessment and the levy and collection of taxes, and for other purposes relative thereto,"

Which was read the first and second times, and referred to the Committee on Ways and Means.

FIRST AND SECOND READING OF HOUSE BILLS.

Substitute for House bill No. 65,

A bill for an act relating to life, casualty and other insurance on the assessment plan, and the conduct of the business of such insurance,

Was read the first and second times, and referred to the Committee on Insurance.

House Bill No. 60,

A bill for an act requiring the Scandinavian language to be taught at the State University at Grand Forks,

Was read the first and second times, and referred to the Committee on Education.

Substitute for House Bill No. 22,

A bill for an act to amend Section 1, Chapter 157, of the Laws of 1890, entitled "Bounty for Wolf Scalps,"

Was read the first and second times, and referred to the Committee on Counties.

House Bill No. 195,

A bill for an act to provide for the compilation, publication, distribution and sale of the laws of the State of North Dakota,

Was read the first and second times, and referred to the Committee on Public Printing.

House Bill No. 212,

A bill for an act to regulate grain warehouses and the inspection, weighing and handling of grain, and defining the duties of the railroad commissioners in relation thereto,

Was read the first and second times.

Mr. McGillivray moved

That the bill be referred to the Committee on Judiciary.

Mr. Johnson of Ward moved

To amend that the committee be instructed to report at 2:30 o'clock to-morrow.

Mr. McCormick of Ramsey moved as a substitute

That the bill be referred to the Committee on Warehousing, Grain and Grain Grading,

Which substitute motion prevailed.

House Bill No. 193,

A bill for an act to amend Sections 1 and 7 of Chapter 150 of the Laws of 1890, being an act entitled "An Act to provide for liens upon crops and for the levy of a tax to secure the payment of the purchase price of seed grain,"

Was read the first and second times, and referred to the Committee on Ways and Means.

House Bill No. 244,

A bill for an act making an appropriation to pay certain expenses incurred by the Second Legislative Assembly of the State of North Dakota,

Was read the first and second times, and referred to the Committee on Appropriations.

House Bill No. 230,

A bill for an act attaching a portion of township 151 north, range 62 west, situated in the county of Benson, to the county of Ramsey,

Was read the first and second times, and referred to the Committee on Counties.

Substitute for House Bill No. 203,

A bill for an act to amend Chapter 16 of an act entitled "An act to regulate the practice of pharmacy, the licensing of persons to carry on such practice, and the sale of Poisons in the State of North Dakota," Chapter 108, Session Laws of 1890,

Was read the first and second times, and referred to the Committee on Public Health.

House Bill No. 205,

A bill for an act making an appropriation to pay James M. Gleason for labor as janitor at the capital,

Was read the first and second times, and referred to the Committee on Appropriations.

House Bill No. 227,

A bill for an act to repeal Section 7 of Chapter 30 of the Laws of 1890, being an act authorizing counties to fund outstanding indebtedness,

Was read the first and second times, and referred to the Committee on Ways and Means.

House Bill No. 130,

A bill for an act amending Sections 695 and 697 of the Penal Code, being Sections 6886 and 6888, Compiled Laws, 1887, and for the further prevention of cruelty to animals,

Was read the first and second times, and referred to the Committee on Judiciary.

Mr. McCormack of Grand Forks moved

That T. M. Elliott and Pat McHugh be appointed additional clerks on the Judiciary Committee,

Which motion was lost.

The Lieutenant Governor in the Chair.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
March 2, 1891. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 234,

A bill for an act providing for an appropriation of \$8,500 for compiling the Laws of the State of North Dakota,

Also,

House Bill No. 178,

A bill for an act to protect the cheese industry in North Dakota.

Also,

House Bill No. 200,

A bill for an act to amend Section 6 of Chapter 122 of the General Laws of 1890,

Also,

House Bill No. 215,

A bill for an act for an appropriation to pay John A McLean for brick furnished the North Dakota Penitentiary at Bismarck.

Also,

House Bill No. 204,

A bill for an act authorizing counties to raise and expend a fund for the purpose of encouraging immigration,

Also,

House Bill No. 228,

A bill for an act to provide for changing the boundaries of incorporated cities, towns or villages.

Also,

House Bill No. 127,

A bill for an act for the supervision of banks other than state or national banks doing business in the State of North Dakota,

All of which have passed the House and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 196,

A bill for an act entitled "An Act regulating the adoption of children,"

Was read the third time.

Mr. Almen moved

That the report of the committee be adopted.

Mr. Ink moved

To amend Section 3, line 2, after the word "his" by adding the words "or her,"

Which motion prevailed.

Mr. Miller moved

To amend Section 3, line 2, by striking out the figures "16" and insert in lieu thereof the figures "10,"

Which motion prevailed.

Mr. Miller moved

To amend Section 2, line 12, by striking out "Chairman of the board of county commissioners" and insert "county judge" in lieu thereof.

Which motion prevailed.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Brynjolfson,  
Cashel,  
Enger,  
Haggart,  
Ink,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F'rks,  
McCormick, Ramsey,

Messrs—

Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Worst.

Absent and not voting:

Messrs—

Bjorgo,  
Engle,

Messrs—

Fuller,  
McGillivray,

Messrs—

Weiser.

So the bill passed, and the title was agreed to.

Senate Bill No. 195,

A bill for an act entitled "An Act granting the right of suffrage to women,"

Was read the third time.

Mr. McCormack of Grand Forks moved

To adopt the majority report of the committee.

Mr. Miller made the following minority report:

MR. PRESIDENT:

Your Committee on Woman Suffrage to whom was referred

Senate Bill No. 195,

A bill for an act entitled "An Act granting the right of suffrage to women,"

Have had the same under consideration and a minority recommends that the same be referred to the Committee on Judiciary.

JOSEPH MILLER,  
Minority.



Mr. Worst moved as a substitute  
To adopt the minority report.

Mr. McCormick of Ramsey moved  
That the substitute motion be indefinitely postponed.

Mr. McCormack of Grand Forks moved a call of the Senate,  
Which motion prevailed.

The roll being called the following members of the Senate  
were found to be absent without leave: Messrs. Bjorgo, Fuller  
and McGillivray.

The Sergeant-at-Arms appeared before the bar of the Senate  
with Mr. Fuller, who was excused.

Mr. McCormack of Grand Forks moved  
That further proceedings under call of the Senate be dispensed  
with,

Which motion prevailed.

The question recurring upon the motion to indefinitely post-  
pone the minority report,

Roll call demanded.

The roll being called there were ayes 17, nays 14.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bjorgo,  
Brynjolfson,  
Enger,  
Fuller,

Messrs—

Ink,  
Johnson of Traill,  
Kinter,  
Kuhn,  
LaMoure,  
McCormack, G. F<sup>rks</sup>.

Messrs—

McCormick, Ramsey,  
Patch,  
Pinkham,  
Svensrud,  
Weiser.

Those who voted in the negative were:

Messrs—

Bidlake,  
Bisbee,  
Cashel,  
Engle,  
Haggart,

Messrs—

Johnson of Ward,  
Little,  
Lowry,  
McGillivray,  
Miller,

Messrs—

Nelson,  
Palmer,  
Svennungsen,  
Worst.

So the motion prevailed.

Mr. Cashel moved  
That the Senate do now adjourn,  
Which motion was lost.

The question recurring upon the final passage of the bill,  
The roll being called there were ayes 16, nays 15.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Brynjolfson,  
Enger,  
Fuller,  
Ink,

Messrs—

Johnson of Traill,  
Kinter,  
Kuhn,  
LaMoure,  
McCormack of G. F<sup>rks</sup>

Messrs—

McCormick, Ramsey,  
Patch,  
Pinkham,  
Svensrud,  
Weiser.

Those who voted in the negative were:

Messrs—

Bidlake,  
Bisbee,  
Bjorgo,  
Cashel,  
Engle,

Messrs—

Haggart,  
Johnson of Ward,  
Little,  
Lowry,  
McGillivray,

Messrs—

Miller,  
Nelson,  
Palmer,  
Svennungsen,  
Worst.

So the bill passed and the title was agreed to.

Mr. McCormick of Ramsey moved

That the vote by which Senate Bill No. 195 was passed be reconsidered.

Mr. LaMoure moved

To lay the motion upon the table,  
Which motion prevailed.

Mr. Ink moved

That the Senate do now adjourn.  
Which motion prevailed, and  
The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

## FIFTY-SEVENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
March 3, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieut.-Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

Mr. McCormack of Grand Forks moved

That the reading of the Journal be dispensed with, and that a committee be appointed to correct the same,

Which motion prevailed.

The President appointed as such committee Messrs. Engle and Weiser.

## PETITIONS AND COMMUNICATIONS.

The Lieutenant Governor presented the following petition:

DRAYTON, N. D., March 2, 1891.

*To the Honorable, the Senate and House of Representatives of the State of North Dakota:*

We, the undersigned legal voters of Pembina county, hereby petition your honorable bodies to strenuously oppose any and all efforts to repeal the present prohibition law or any part thereof.

RICHARDSON,  
and 53 others.

Mr. Weiser presented the following petition:

*To the Honorable, the Legislative Assembly of the State of North Dakota:*

We, the undersigned, citizens of Barnes county, N. D., respectfully petition your honorable body, that inasmuch as the people of this State has adopted constitutional prohibition as a part of their organic law, and the Legislative Assembly has provided adequate statutory enactments for the enforcement of prohibition of the liquor traffic, that the said prohibition law be allowed to remain in force, and that no law providing for the resubmission of this question to the people be enacted; and we request our representatives to oppose resubmission.

C. E. ADAMS,  
and 17 others.

Mr. Ink presented the following petition:

*To the Hon. R. N. Ink:*

SIR: We are reliably informed that since the indefinite postponement of the resubmission bill, which we supposed to be final, another effort is being made to accomplish the defeat of our present prohibition law, by the repeal of either the whole of, or the most effective parts of said law.

Therefore, We respectfully petition your honorable body that all reasonable efforts be made to preserve the law in its present form until it has been reasonably tested.

E. L. GRIFFIN,  
and 16 others.

Also, the same petition signed by J. Anderson and 27 others.

The petitions were referred to the Committee on Temperance.

#### REPORTS OF STANDING COMMITTEES.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your committee on State Affairs to whom was referred

Senate Bill No. 197,

A bill for an act to amend Sections 1, 2, 3 and 7 of Chapter 184 of the Laws of 1890, being an act defining usury, and the penalty for taking the same,

Have had the same under consideration and recommend that the same be amended as follows:

Amend Section 1 by striking out the figure "6" in line 4, and insert in lieu thereof the figure "7."

Also, by striking out the figure "8" wherever it may appear in the original bill, and inserting in lieu thereof the figure "10."

Amend by striking out all after the word "provided" in line 13 in Section 3 of printed bill, up to and including the words "provided further" in line 16 of said section.

And when so amended recommend that the same do pass.

JAMES McCORMICK,  
Chairman.

Mr. Little moved

That the report of the Committee on Senate Bill No. 197 be adopted,

Which motion prevailed, and

The bill was referred to the Committee on Engrossed and Enrolled Bills.

The Committee on Public Printing made the following report:

MR. PRESIDENT:

Your Committee on Public Printing to whom was referred

House Bill No. 195,

A bill for an act to provide for the compilation, publication, distribution and sale of the laws of the State of North Dakota,

Have had the same under consideration and recommend that the same do pass.

A. H. LOWRY,  
Chairman.

The Committee on Insurance made the following report:

MR. PRESIDENT:

Your Committee on Insurance to whom was referred  
Substitute for House Bill No. 65,

A bill for an act relating to life, casualty and other insurance on the assessment plan, and the conduct of the business of such insurance.

Have had the same under consideration and recommend that the same do pass.

J. S. WEISER,  
Chairman.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred  
House Bill No. 184,

A bill for an act providing an appropriation for manufacture of potato starch in the State of North Dakota,

Have had the same under consideration and return the same without recommendation.

JOHN E. HAGGART,  
Chairman.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred  
Substitute for House Bill No. 22,

A bill for an act to amend Section 1 of Chapter 157 of the Laws of 1890, entitled "Bounty for wolf scalps,"

Have had the same under consideration and recommend that the same do pass.

Also,

House Bill No. 230,

A bill for an act attaching a portion of township 151 north, range 62 west, situated in the county of Benson, to the county of Ramsey,

Have had the same under consideration and recommend that the same do pass.

JAMES JOHNSON,  
Chairman.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads to whom was referred

House Bill No. 21,

A bill for an act to amend Section 5 of an act entitled "An act requiring railroad companies to build and keep in repair, highway crossings, Chapter 127, Session Laws of 1890,"

Have had the same under consideration and recommend that the same be reported without recommendation.

R. J. JOHNSON,  
Chairman.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred  
House Bill No. 60,

A bill for an act requiring the Scandinavian language to be taught at the State University at Grand Forks,

Have had the same under consideration and recommend that the same do pass.

Senators Bidlake and Brynjolfson dissenting from the above report.

J. H. WORST,  
Chairman.

#### REPORTS OF SPECIAL COMMITTEES.

The Committee on Journal Correction for the fifty-fourth day made the following report:

MR. PRESIDENT:

Your Special Committee to examine and correct the Journal of the fifty-fourth day have examined the same and found it correct, and beg leave to recommend that the Journal be approved.

JOHN BIDLAKE,  
Chairman.

Mr. McCormack of Grand Forks moved  
That the report of the committee be adopted,  
Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
March 3, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith  
House Bill No. 132,

A bill for an act fixing the salaries of County Auditor and Register of Deeds, and for the repeal of Sections 1, 2, 3, 4 and 5, Chapter 50, Laws of 1887, and Section 14 and 15, Chapter 10, Laws of 1887.

Also,

House Bill No. 105,

A bill for an act to amend Sections 90, 91, 92, 93, 94, 95, 96, 97, 98, 99 and 100, of Chapter 62, Laws of 1890, "An act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violation of the provisions thereof."

Which have passed the House.

Also,

House Bill No. 250,

A bill for an act appropriating money to improve and perfect the water supply at the Hospital for the Insane at Jamestown.

Also,

House Bill No. 239,

A bill for an act to punish the counterfeiting of labels, trade-marks and advertisements, and the use of counterfeited labels trade-marks and advertisements.

Also,

House Bill No. 224,

A bill for an act entitled "An act creating the office of State Superintendent of Irrigation and Forestry, and prescribing the duties thereof.

Also,

House Bill No. 220,

A bill for an act to provide for the publication and distribution of 500 copies of the revenue law as amended.

Also,

House Bill No. 56,

A bill for an act to repeal an act entitled "An act to provide for the licensing of public warehouses," Chapter 138, Session Laws of 1890.

Also,

House Bill No. 231,

A bill for an act fixing the salary of Lieutenant Governor.

Also,

House Bill No. 181,

A bill for an act providing for the registration of the births, marriages and deaths throughout the State, and providing the penalty for refusal of information regarding the same.

Also,

House Bill No. 140,

A bill for an act to provide for the acquisition of lands for township cemeteries.

Also,

House Bill No. 202,

A bill for an act declaring certain mills public mills, and fixing the rate of toll and regulating the exchange of manufactured products of grain for grain,

All of which have passed the House and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

Mr. Bjorgo offered the following resolution:

*Be it Resolved by the Senate of the State of North Dakota:*

That Andrew Huseby the fireman of the State Capitol be placed on the

pay roll of the State Senate of the State of North Dakota at \$1 per day as extra compensation from the commencement of the Second Legislative Session for services rendered during said session.

Mr. Ink moved

To amend by including the Postmaster.

Mr. Cashel moved

To amend by including the Messenger.

Mr. Little moved

To amend by including the Assistant Fireman.

Mr. Johnson of Ward moved

That all the amendments to the original resolution excepting the Assistant Fireman be laid upon the table,

Which motion prevailed.

The question recurring upon the original resolution as amended by Mr. Little,

The motion prevailed.

Mr. Cashel offered the following resolution:

*Resolved*, That the Messenger of this Senate be allowed fifty cents per day additional for carrying printed matter brought to the Senate.

Mr. Cashel moved

To adopt the resolution,

Which motion prevailed.

The President announced his signature to

House Bill No. 94,

A bill for an act attaching certain townships to the county of Ramsey.

Also,

House Bill No. 172,

A bill for an act authorizing civil townships to issue bonds to procure seed grain for needy farmers resident therein.

Also,

House Bill No. 114,

A bill for an act locating the Blind Asylum of the State of North Dakota in the county of Pembina, and providing for an election of the electors of said county to determine the place in said county in which said institution shall be placed.

Mr. McCormack of Grand Forks moved

That when the special order is concluded that the Senate go into Committee of the Whole for the purpose of considering the apportionment bill,

Which motion prevailed.

#### SPECIAL ORDERS.

The hour having arrived for the consideration of special orders, Senate Bill No. 168,

A bill for an act providing for the assessment for the purpose



of taxation of the property of railroad corporations, individuals or associations operating railroads in this State, and the collection of taxes thereon, and to repeal Chapters 134 and 135 of the Laws of 1890,

Was taken up for consideration.

The following opinion of the Attorney General was read:

BISMARCK, N. D., March 3, 1891.

*To the Hon. the President and State Senate:*

By resolution you ask my opinion as to the amendment proposed to Senate Bill 168, also, as to the constitutionality of Chapter 134, Laws of 1890.

In answer I will say that I received your resolution at 1 p. m. today, and as the questions asked would require some time to look up, and as the opinion is desired by 2 o'clock to-day, it is impossible for me to give you an opinion that you could depend upon, in that limited time, and I do not care to give an opinion unless I have sufficient time to examine the question fully.

However, as my opinion may be of some help to you, and to show your honorable body that I am willing to give you the benefit of my judgment on short notice, without having time to fully look the matter up, and also with the express understanding that I have not fully investigated the question and may be wrong, I will say that in my judgment the amendment proposed may be all right, and that I believe Chapter 134, Laws of 1890, is constitutional,

Respectfully submitted,

C. A. M. SPENCER,  
Attorney General.

The question recurring upon the amendment offered by Mr. Ink.

Which motion prevailed.

Mr. Little moved

To amend the bill by striking out Sections 2 and 3.

Mr. Cashel moved as a substitute

To strike out only Section 2.

Mr. Little moved

To lay the substitute upon the table.

Which motion was lost.

The question recurring upon the substitute motion,

The substitute motion prevailed.

Mr. Little moved

To amend by striking out Section 3.

Roll call demanded.

The roll being called there were ayes 12, nays 19.

Those who voted in the affirmative were:

Messrs—

Bidlake,  
Bisbee,  
Engle,  
Haggart,

Messrs—

Ink,  
Kuhn,  
Little,  
Lowry,

Messrs—

McGillivray,  
Miller,  
Palmer,  
Worst.

Those who voted in the negative were:

Messrs—

Almen,  
Arnold,  
Bjorgo,  
Brynjolfson,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
LaMoure,

Messrs—

Nelson,  
Patch,  
Pinkham,  
Svennungsen,

Messrs—  
Cashel,  
Enger,  
Fuller,

Messrs—  
McCormack, G F'ks,  
McCormick, Ramsey,

Messrs—  
Svensrud,  
Weiser.

So the amendment was lost.

Mr. Cashel moved

To amend the bill by numbering Section 2, Section 3, and so on, consecutively,

Which motion prevailed.

Mr. Ink offered the following amendment as Section 34:

Sec. 34. Chapter 135 of the Session Laws of 1890 is hereby repealed.

Mr. Ink moved

To adopt the amendment,

Which motion prevailed.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 15, nays 16.

Those who voted in the affirmative were:

Messrs—  
Almen,  
Arnold,  
Brynjolfson,  
Cashel,  
Enger,

Messrs—  
Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
McCormick, Ramsey,

Messrs—  
Nelson,  
Patch,  
Pinkham,  
Svensrud,  
Weiser.

Those who voted in the negative were:

Messrs—  
Bidlake,  
Bisbee,  
Bjorgo,  
Engle,  
Fuller,  
Haggart,

Messrs—  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F'ks,

Messrs—  
McGillivray,  
Miller,  
Palmer,  
Svenningsen,  
Worst.

So the bill was lost.

Mr. McGillivray moved

That the courtesies of the floor be extended to Hon. M. L. Ayers of Dickinson,

Which motion prevailed.

Mr. Almen moved

That when the Senate goes into Committee of the Whole the Senate also consider Senate Bill No. 201,

Which motion prevailed.

Mr. McCormick of Ramsey moved

To take a recess of ten minutes,

Which motion prevailed.

Mr. McCormick of Ramsey moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

## FIFTY-EIGHTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
March 4, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieut-Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

Mr. Cashel moved

That the reading of the Journal be dispensed with, and that a committee be appointed to correct the same,  
Which motion prevailed.

The President appointed as such committee Messrs. Ink and Kinter.

## PETITIONS AND COMMUNICATIONS.

Mr. Patch presented the following petition:

The following citizens of Wells county protest against repealing the prohibition law of North Dakota.

DAVID HARRIS,  
and 25 others.

Mr. Svensrud presented the following petition:

*To the Legislature of North Dakota:*

We, the undersigned residents of Bottineau county, do hereby petition your honorable body to retain the present prohibition laws as passed by the last Legislature.

*Resolved,* That we are opposed to any change of said laws.

GEO. ROULTEARD,  
and 55 others.

Mr. Arnold presented the following petition:

LARIMORE, March 2, 1891.

*To the Legislature of the State of North Dakota:*

We, the undersigned citizens of Larimore, protest against the repeal of the effective portions of the existing prohibition law.

S. W. GRIFFITH,  
and 41 others.

Mr. Nelson presented the following petition:

*To the Honorable the Senate of the State of North Dakota:*

We, the undersigned citizens of Sargent county, North Dakota, are opposed to any repeal of or any change in the existing prohibition law.

J. H. VAIL,  
and 46 others.

The petitions were referred to the Committee on Temperance.

#### REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary made the following report:

**MR. PRESIDENT:**

Your Committee on Judiciary to whom was referred  
House Bill No. 130,

A bill for an act amending Sections 695 and 697 of the Penal Code, being Sections 6886 and 6888 Compiled Laws, and for the further prevention of cruelty to animals,

Have had the same under consideration and recommend that the same do pass.

Also,

House Bill No. 198,

A bill for an act to provide for the probate and recording of foreign wills by amending Section 30 of the Probate Code,

And recommend that the same do pass.

C. B. LITTLE,  
Chairman.

The Committee on Public Health made the following report:

**MR. PRESIDENT:**

Your Committee on Public Health to whom was referred  
Substitute for House Bill No. 203,

A bill for an act to amend Chapter 16 of an act entitled "An act to regulate the practice of pharmacy, the licensing of persons to carry on such practice, and the sale of Poisons in the State of North Dakota," Chapter 108, Session Laws of 1890,

Have had the same under consideration and recommend that the same do pass.

Also,

Senate Bill No. 200,

A bill for an act to amend an act entitled "An act to regulate the practice of pharmacy, the licensing of persons to carry out such practice, and the sale of poisons in the State of North Dakota,"

And recommend that the same be reported back without recommendation.

S. B. BRYNJOLFSON,  
Chairman.

The Committee on Judiciary made the following report:

**MR. PRESIDENT:**

Your Committee on Judiciary to whom was referred  
House Bill No. 180,

A bill for an act to amend Section 1, Chapter 36, of the General Laws of 1889, entitled, "An act declaring the admissibility of the Compiled Laws of 1887, as legal evidence of the General Statutes of Dakota Territory."

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,  
Chairman.

The Committee on Appropriations made the following report:

**MR. PRESIDENT:**

Your Committee on Appropriations to whom was referred  
House bill No. 244,

A bill for an act making an appropriation to pay certain expenses incurred by the Second Legislative Assembly of the State of North Dakota,

Have had the same under consideration and recommend that the same do pass.

Also,

House Bill No. 205,

A bill for an act making an appropriation to pay James M. Gleason for labor as janitor at the capital,

And recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

The Committee on Grain Grading and Warehouses made the following report:

**MR. PRESIDENT:**

Your Committee on Grain Grading and Warehouses to whom was referred

House Bill No. 212,

A bill for an act to regulate grain warehouses and the inspection, weighing and handling of grain and defining the duties of the Railroad Commissioners in relation thereto,

Have had the same under consideration and recommend that the same do pass.

Messrs. Kuhn, Bjorgo and Johnson dissenting from the above,  
MAGNUS NELSON,  
Chairman.

The Committee on Engrossed and Enrolled Bills made the following report:

**MR. PRESIDENT:**

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 186,

A bill for an act providing for an appropriation for the maintenance of the State Normal School at Mayville,

Also,

Senate Bill No. 125,

A bill for an act to amend Sections 3, 4, 7, 8, 22, 24, 32, 37, 40, 55, 66, 67, 68, 74, 75, 79, 81, 83, 87, 101, 110, 121, 122, 135, 136, 137, 140, 143, 144, 148, 167, 169 and 192 of Chapter 62, Laws of 1890, entitled "An act to provide for a uniform system of free public schools throughout the State and to prescribe penalties for violation of the provisions thereof."

Also,

Senate Bill No. 37,

A bill for an act in relation to the collection of taxes on personal property for the year 1890,

And find the same correctly engrossed and enrolled.

R. N. INK.

Chairman.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

Senate Bill No. 108,

A bill for an act appropriating per diem to certain members and employes of the Senate for services rendered during the recess of the First Legislative Assembly of the State of North Dakota,

Have had the same under consideration and report the same back without recommendation.

J. E. HAGGART,

Chairman.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred

Senate Bill No. 202,

A bill for an act to repeal all special and private laws pertaining to the organization and government of independent school districts, except the laws pertaining to certain independent school districts that are at present operating under the provisions of special law,

Have had the same under consideration and recommend that the same do pass.

J. H. WORST,

Chairman.

Mr. Little moved

That a committee of five be appointed by the Chair to select such bills as it is deemed best for the Senate to act upon in order to expedite business.

Mr. LaMoure raised the point of order that it would require a two-thirds vote of the Senate to adopt the resolution.

The Chair ruled the point not well taken.

Mr. LaMoure appealed from the decision of the Chair.

The question being, Shall the decision of the Chair be sustained?

Roll call demanded.

Mr. Almen asked to be excused from voting.

The Senate refused to excuse Mr. Almen from voting.

The roll being called there were ayes 21, nays 9.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Cashel,  
Enger,  
Fuller,  
Haggart,  
Ink,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormick, Ramsey,

Messrs—

Miller,  
Patch,  
Pinkham,  
Svennungesen,  
Svensrud,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—

Bidlake,  
Bisbee,  
Bjorgo,

Messrs—

Brynjolfson,  
Engle,  
LaMoure,

Messrs—

McCormack, G. F'ks,  
Nelson,  
Palmer.

Mr. McGillivray being absent and not voting.

Mr. Nelson explaining his vote.

So the decision of the Chair was sustained.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
March 4, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 191,

A bill for an act to provide for the erection, operation and management of the normal schools of the State, and to repeal Chapters 162 and 163, Laws of 1890: acts entitled respectively "An act entitled 'An act to provide for the erection and operation of a State Normal School at Mayville, Traill county, North Dakota,'" approved February 17, 1890; and "An act to locate and provide for the government of a State Normal School at Valley City, Barnes county, North Dakota," approved March 8, 1890.

Also,

Substitute for House Bill No. 118,

A bill for an act to enable civil townships to issue bonds for the

purpose of sinking artesian wells, and to provide for locating the same.

Also,

Substitute for House Bill No. 129,

A bill for an act entitled "An act to regulate the fees of clerks of the district courts of the State of North Dakota."

Also,

House Bill No. 248,

A bill for an act amending Section 1, Chapter 132, Laws of 1887, being Section 3024 of the Compiled Laws of 1887, and relating to railway police.

Also,

House Bill No. 243,

A bill for an act to renew stock certificates when they have been worn out, mutilated, lost or destroyed.

Also,

House Bill No. 232,

A bill for an act to amend Sections 49 and 53, of Chapter 132, Laws of 1890.

Also,

House Bill No. 245,

A bill for an act entitled an act authorizing commissioners of the United States Circuit Court to administer oaths.

Also,

Substitute for House Bill No. 190,

A bill for an act compelling county physicians of each county to attend and render medical assistance to all persons in their respective counties who are unable to employ a physician, and who may need such medical attendance.

All of which have passed the House and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

The question recurring upon the motion made by Mr. Little,  
Roll call was demanded.

The roll being called there were ayes 20, nays 11.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Enger,  
Haggart,  
Ink,  
Johnson of Traill,  
Johnson of Ward,

Messrs—

Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormick, Ramsey,  
McGillivray,  
Miller,

Messrs—

Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Weiser,  
Worst.

Those who voted in the negative were:



Messrs—

Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,

Messrs—

Cashel,  
Engle,  
Fuller,  
LaMoure,

Messrs—

McCormack, G. F'rks.,  
Nelson,  
Svensrud.

So the motion prevailed.

Mr. McCormick of Grand Forks moved

That the rules be suspended, and that all House bills now on the Secretary's desk be read the first and second times and referred to their proper committees.

Roll call demanded.

The roll being called there were ayes 12, nays 19.

Those who voted in the affirmative were:

Messrs—

Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,

Messrs—

Engle,  
Fuller,  
Johnson, of Ward,  
LaMoure,

Messrs—

McCormack, G. F'rks.,  
Nelson,  
Svensrud,  
Weiser.

Those who voted in the negative were:

Messrs—

Almen,  
Arnold,  
Cashel,  
Enger,  
Haggart,  
Ink,  
Johnson, of Traill,

Messrs—

Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormick, Ramsey,  
McGilvray,

Messrs—

Miller,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Worst.

So the motion was lost.

Mr. McCormick of Ramsey moved

That the committee when appointed be instructed to report back House Bill No. 127 at 3 o'clock p. m. to-morrow,  
Which motion was lost.

Mr. McCormack of Grand Forks moved

That when the Senate adjourns, it adjourn to meet at 7:30 o'clock p. m.,

Which motion was lost.

Mr. Kinter moved

That the rules be suspended and that the Senate proceed to the third reading of Senate bills.

The Chair ruled that it required a two-thirds vote to adopt the motion,

Which motion prevailed.

Mr. La Moure moved

That the Senate proceed to consider Senate Bill No. 159,  
Which motion was lost.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
March 4, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith  
House Bill No. 240,  
A bill for an act to promote irrigation.

Also,  
House Bill No. 194,

A bill for an act to provide for the licensing of dogs, and indemnifying the owners of sheep and other stock in case of damage by dogs and creating a fund to pay for the same by a dog license.

Also,  
House Bill No. 143,

A bill for an act to amend Section 70 of Chapter 62, Laws of 1890, entitled "An act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violation of the provisions thereof."

All of which have passed the House, and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

THIRD READING OF SENATE BILLS.

Senate Bill No. 198.

A bill for an act to amend Section 8 of Chapter 68 of the General Laws of 1885, entitled "An Act establishing the North Dakota Hospital for the Insane, and providing for the government of the North Dakota Hospital for the Insane,"

Was read the third time.

Mr. Worst moved

That the report of the committee be adopted,  
Which motion prevailed.

The question recurring upon the final passage of the bill,  
The roll being called there were ayes 21, nays 6.

Those who voted in the affirmative were:

Messrs—

Almen,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynolfson,  
Cashel,  
Fuller,

Messrs—

Haggart,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormack of G Fks,

Messrs—

McCormick, Ramsey,  
McGillivray,  
Miller,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—

Arnold,  
Enger,

Messrs—

Ink,  
Johnson of Traill,

Messrs—

Nelson,  
Pinkham.

Absent and not voting:

Messrs—  
Engle,  
LaMoure.

Messrs—  
Palmer,

Messrs—  
Patch.

So the bill passed and the title was agreed to.

Senate Bill No. 164,

A bill for an act to make an appropriation for the collection, arrangement and display of the products of the State of North Dakota at the World's Columbian Exposition of 1893, and to provide for the expenses of the State Commission thereof,

Was read the third time.

Mr. Worst moved

That the report of the Committee be adopted,  
Which motion prevailed.

The question recurring upon the final passage of the bill,  
The roll being called there were ayes 19, nays 10.

Those who voted in the affirmative were:

Messrs—  
Arnold,  
Bidlake,  
Cashel,  
Engle,  
Fuller,  
Haggart,  
Ink,

Messrs—  
Johnson of Traill,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormack, G. F'ks,

Messrs—  
McGillivray,  
Miller,  
Palmer,  
Patch,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—  
Almen,  
Bisbee,  
Bjorgo,  
Brynjolfson,

Messrs—  
Enger,  
Johnson of Ward,  
Nelson,

Messrs—  
Pinkham,  
Svenningsen,  
Svensrud.

Messrs. LaMoure and McCormick of Ramsey being absent and not voting.

So the bill passed, and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bill No. 164 was passed be reconsidered.

Mr. Worst moved

To lay the motion upon the table,  
Which motion prevailed.

Mr. Worst moved

That the vote by which Senate Bill No. 198 was passed be reconsidered.

Mr. Little moved

To lay the motion upon the table,  
Which motion prevailed.

Senate Bill No. 201,

A bill for an act to repeal an act entitled "An act designating and appropriating Section 36, in Township 140 of Range 49 west,

in the county of Cass, for the use of the Agricultural College as a site for that institution," approved January 21, 1891,

Was placed upon its third reading.

Mr. Haggart moved

That further consideration of the bill be indefinitely postponed.

Which motion prevailed.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
March 4, 1891. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has concurred in the Senate amendment to

House Bill No. 25,

A bill for an act to encourage the development of the coal mines of the State, and to determine the kind of coal that shall be used as fuel in the various State institutions,

And has passed the bill as amended by the Senate.

J. G. HAMILTON,  
Chief Clerk.

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 186,

A bill for an act providing for an appropriation for the maintenance of the State Normal School at Mayville, North Dakota,

Which has passed the House unchanged.

J. G. HAMILTON,  
Chief Clerk.

The chair announced the appointment of Messrs. Little, Ink, Haggart, Kinter and McCormick of Ramsey as the special committee to consider bills to be presented to the Senate to expedite business.

Senate Bill No. 108,

A bill for an act appropriating per diem to certain members and employes of the Senate for services rendered during the recess of the First Legislative Assembly of the State of North Dakota,

Was read the third time.

Mr. Miller moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

Senate Bill No. 114,

A bill for an act making appropriations for a library in the office of the State Superintendent of Public Instruction,

Was read the third time.

Mr. Worst moved

That the report of the committee be adopted,  
Which motion prevailed.

The question recurring upon the final passage of the bill,  
The roll being called there were ayes 28, nays 1.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Haggart,  
Ink,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormack, G. F'ks,  
McCormick, Ramsey,  
McGillivray,

Messrs—

Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungaen,  
Svensrud,  
Weiser,  
Worst.

Mr. Bisbee voting in the negative.

Messrs. Fuller and LaMoure being absent and not voting.

So the bill passed, and the title was agreed to.

Senate Bill No. 136,

A bill for an act to indemnify certain persons whose stock was killed by the State Veterinary Surgeon to prevent and suppress the spread of contagious and infectious diseases of domestic animals.

Was read the third time.

Mr. Svensrud moved

That further consideration of the bill be indefinitely postponed,

Which motion prevailed.

Senate Bill No. 200,

A bill for an act to amend an act entitled "An Act to regulate the practice of pharmacy, the licensing of persons to carry out such practice, and the sale of poisons in the State of North Dakota,"

Was taken up for consideration.

Mr. Bidlake moved

That the further consideration of the bill be indefinitely postponed,

Which motion was lost.

Senate Bill No. 200 was read the third time.

The question recurring upon the final passage of the bill,  
The roll being called there were ayes 15, nays 14.

Those who voted in the affirmative were:

Messrs—  
 Arnold,  
 Cashel,  
 Enger,  
 Haggart,  
 Ink,

Messrs—  
 Johnson of Traill,  
 Kinter,  
 Little,  
 McCormick, Ramsey,  
 Miller,

Messrs—  
 Patch,  
 Pinkham,  
 Svensrud,  
 Weiser,  
 Worst.

Those who voted in the negative were:

Messrs—  
 Almen,  
 Bidlake,  
 Bisbee,  
 Bjorgo,  
 Brynjolfson,

Messrs—  
 Engle,  
 Fuller,  
 Johnson of Ward,  
 Kuhn,  
 LaMoure,

Messrs—  
 Lowry,  
 McCormack, G. F'rks,  
 Nelson,  
 Svennungsen.

Messrs. McGillivray and Palmer being absent and not voting.

So the bill was lost.

Senate Bill No. 159,

A bill for an act to relieve Louise Von Lindeman, whose stock had to be killed to check the progress of an infectious disease,

Was taken up for consideration.

Mr. Svensrud moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

Senate Bill No. 44,

A bill for an act to amend Sections 4 and 10 of Chapter 185, "An Act to prevent the spread of contagious and infectious diseases among domestic animals," approved March 29, 1890,

Was taken up for consideration.

Mr. Brynjolfson moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

The President announced his signature to

Senate Bill No. 186,

A bill for an act providing for an appropriation for the maintenance of the State Normal School at Mayville, N. D.

Also,

Senate Bill No. 37,

A bill for an act in relation to the collection of taxes on personal property for the year 1890.

Also,

Senate Bill No. 125,

A bill for an act to amend Sections 3, 4, 7, 8, 22, 24, 32, 37, 40, 55, 66, 67, 68, 74, 75, 79, 81, 83, 87, 101, 110, 121, 122, 135, 136, 137, 140, 143, 144, 148, 167, 169 and 192 of Chapter 62, Laws of 1890, entitled "An act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violation of the provisions thereof."

## Senate Bill No. 202,

A bill for an act to repeal all special and private laws pertaining to the organization and government of independent school districts, except the laws pertaining to certain independent school districts that are at present operating under the provisions of special law,

Was read the third time.

Mr. Little moved

That the report of the committee be adopted,

Which motion prevailed.

The roll being called upon the final passage of the bill,

The roll being called there were ayes 26, nays 1.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Enger,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormack of G F's  
McCormick, Ramsey,  
Miller,

Messrs—

Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Engle,  
Johnson of Traill,

Messrs—

LaMoure,

Messrs—

McGillivray.

Mr. Bisbee voting in the negative.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bill No. 202 was passed be reconsidered.

Mr. Miller moved

To lay the motion upon the table,

Which motion prevailed.

The Senate returned to the ninth order of business.

## INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Engle introduced—

Senate Bill No. 204,

A bill for an act limiting the time of annual sessions of the boards of county commissioners of certain counties,

Which was read the first time.

Mr. Almen (by request) introduced—

Senate Bill No. 205,

A bill for an act to authorize and require the Governor to appoint a guardian for the farmers of the State of North Dakota,

Which was read the first time.

Mr. McCormack of Grand Forks moved  
That the bill be read the second time, and be referred to the Committee on Judiciary.

Mr. Worst moved  
That further consideration of the bill be indefinitely postponed,  
Which motion was lost.

The bill was read the second time, and referred to the Committee on Judiciary.

Mr. LaMoure moved  
That the Senate take a recess of twenty minutes,  
Which motion was lost.

Senate Bill No. 197,  
A bill for an act to amend Sections 1, 2, 3 and 7 of Chapter 184 of the Laws of 1890, being an act defining usury, and the penalty for taking the same,  
Was read the third time.

Mr. Little moved  
That the report of the committee be adopted,  
Which motion prevailed.

Mr. Cashel moved  
To amend by striking out the figures "10" wherever they occur and inserting the figures "12" in lieu thereof,  
Which motion was lost.

The question recurring upon the final passage of the bill,  
The roll being called there were ayes 26, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Ink,	Miller,
Arnold,	Johnson of Traill,	Nelson,
Bisbee,	Johnson of Ward,	Patch,
Brynjolfson.	Kinter,	Pinkham,
Cashel,	Kuhn,	Svennungesen,
Engle,	LaMoure,	Svensrud,
Eger,	Little,	Weiser,
Fuller,	Lowry,	Worst.
Haggart,	McCormick, Ramsey,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bjorgo,	McGillivray,	Palmer.

Messrs. Bidlake and McCormack of Grand Forks being absent and not voting.

So the bill passed, and the title was agreed to.

Mr. LaMoure gave notice that he would on the following day move to reconsider the vote by which Senate Bill No. 197 was passed.



The Committee on Journal correction for the fifty-sixth day made the following report:

**MR. PRESIDENT:**

Your Committee to examine and correct the Journal of the fifty-sixth day would report that we have carefully examined the Journal and find the same to be correct.

**M. L. ENGLE,**  
Chairman.

Mr. Little moved  
To adopt the report of the Special Committee,  
Which motion prevailed.

Mr. McCormick of Ramsey moved  
That the Senate do now adjourn,  
Which motion prevailed, and  
The Senate adjourned.

**C. C. BOWSFIELD,**  
Secretary.

FIFTY-NINTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
March 5, 1891.

The Senate met pursuant to adjournment, at 2 o'clock p. m.

The Lieut-Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

Mr. Worst moved

That the reading of the Journal be dispensed with, and that a committee be appointed to correct the same,

Which motion prevailed.

The President appointed as such committee Messrs. Nelson and Patch.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
March 5, 1891. }

MR. PRESIDENT:

I have the honor to transmit herewith a

CONCURRENT RESOLUTION:

*Be it Resolved by the House of Representatives, the Senate concurring:*

That Joint Rule No. 10 be suspended for the purpose of allowing House Bill No. 225 to be transmitted to the Senate,

Which the House has passed, and your concurrence therein is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

Mr. Worst moved

That the rules be suspended and that the Senate concur in the House Concurrent Resolution relating to House Bill No. 225.

Mr. McCormack of Grand Forks moved  
To lay the motion upon the table,  
Which motion was lost.

The question being upon the motion to suspend the rules.

Roll call demanded.

The roll being called there were ayes 26, nays 5.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bisbee,  
Cashel,  
Enger,  
Fuller,  
Haggart,  
Ink,  
Johnson, of Traill,

Messrs—

Johnson, of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormick, Ramsey,  
McGillivray,  
Miller,

Messrs—

Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—

Bidlake,  
Bjorgo,

Messrs—

Brynjolfson,  
Engle,

Messrs—

McCormack, G. F<sup>ks</sup>.

So the motion to suspend the rules prevailed.

The question recurring upon the motion to concur in the resolution,

The motion prevailed.

Mr. Little moved

To suspend the rules and that all House bills now on the Secretary's desk be read the first and second times and be referred to their proper committees.

Which motion prevailed.

#### FIRST AND SECOND READING OF HOUSE BILLS.

Substitute for House Bill No. 132,

A bill for an act to amend Section 1, Chapter 50, Session Laws of 1887, relating to salaries of registers of deeds and county treasurers,

Was read the first and second times, and referred to the Committee on Counties.

House Bill No. 191,

A bill for an act to provide for the erection, operation and management of the normal schools of the State and to repeal Chapters 162 and 163, Laws of 1890; acts entitled respectively "An Act entitled 'An Act to provide for the erection and operation of a State Normal School at Mayville, Traill county, North Dakota,'" approved February 17, 1890; and "An Act to locate and provide for the government of a State Normal School at Valley City, Barnes county, North Dakota," approved March 8, 1890,

Was read the first and second times, and referred to the Committee on Education.

House Bill No. 228,

A bill for an act to provide for changing the boundaries of incorporated cities, towns or villages,

Was read the first and second times and referred to the Committee on City and Municipal Corporations.

House Bill No. 204,

A bill for an act authorizing counties to raise and expend a fund for the purpose of encouraging immigration,

Was read the first and second times and referred to the Committee on Counties.

House Bill No. 127,

A bill for an act for the supervision of banks other than state or national banks doing business in the State of North Dakota.

Was read the first and second times and referred to the Committee on Banks and Banking.

Mr. Ink moved that the committee be instructed to report back House Bill No. 127,

Which motion prevailed.

House Bill No. 192,

A bill for an act to amend Chapter 155, General Laws of 1890, entitled "An Act indemnifying the owners of sheep in case of damages by dogs, and creating a fund to pay for the same by a tax on dogs,"

Was read the first and second times and referred to the Committee on Stock.

House Bill No. 118,

A bill for an act to legalize the bonding of civil townships for the purpose of sinking artesian wells and to provide for locating, the same,

Was read the first and second times and referred to Committee on Irrigation.

Mr. Little moved

That when the Senate adjourns it be to take a recess until 7:30 o'clock p. m.

Roll call demanded.

The roll being called there were ayes 23, nays 8.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Cashel,  
Enger,  
Haggart,  
Ink,  
Johnson of Traill,  
Johnson of Ward,

Messrs—

Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormick, Ramsey,  
McGillivray,  
Miller,  
Nelson.

Messrs—

Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst,

Those who voted in the negative were:

Messrs—

Bidlake,  
Bisbee,  
Bjorgo,

Messrs—

Brynjolfson,  
Engle,  
Fuller,

Messrs—

LaMoure,  
McCormack of G Fks.

So the motion prevailed.

Mr. Nelson moved

That the Committee on Irrigation be requested to report on House Bill No. 118 this evening,

Which motion prevailed.

House Bill No. 232,

A bill for an act to amend Sections 49 and 53 of Chapter 132, Laws of 1890,

Was read the first and second times, and referred to the Committee on Ways and Means.

House Bill No. 240,

A bill for an act to promote irrigation,

Was read the first and second times, and referred to the Committee on Irrigation.

House Bill No. 200,

A bill for an act to amend Section 6 of Chapter 122 of the General Laws of 1890,

Was read the first and second times, and referred to the Committee on Railroads.

House Bill No. 178,

A bill for an act to protect the cheese industry of North Dakota,

Was read the first and second times, and referred to the Committee on Agriculture.

House Bill No. 143,

A bill for an act to amend Section 70, of Chapter 62, Laws of 1890, entitled "An act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violations of the provisions thereof,"

Was read the first and second times, and referred to the Committee on Education.

House Bill No. 215,

A bill for an act providing for an appropriation to pay John A. McLean for brick furnished the Dakota penitentiary at Bismarck, North Dakota,

Was read the first and second times, and referred to the Committee on Appropriations.

House Bill No. 190,

A bill for an act providing for the attendance of the county physician of each county upon all persons who may desire such attendance, and who reside in such county or counties attached thereto for judicial purposes,

Was read the first and second times, and referred to the Committee on Public Health.

Mr. LaMoure moved

That the courtesies of the floor be extended to Hon. Henry Lake and Hon. Thomas Bolton,

Which motion prevailed.

House Bill No. 248,

A bill for an act amending Section 1, Chapter 132 of the Laws of 1887, being Section 3024 of the Compiled Laws of 1887, and relating to railway police,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 243,

A bill for an act to renew stock certificates when they have been worn out, mutilated, lost or destroyed,

Was read the first and second times, and referred to the Committee on Corporations Other Than Municipal.

Mr. Bidlake moved

That the courtesies of the floor be extended to Rev. T. E. Douglass,

Which motion prevailed.

House Bill No. 245,

A bill for an act entitled an act authorizing commissioners of the United States Circuit Court to administer oaths,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 224,

A bill for an act entitled "An act creating the office of State Superintendent of Irrigation and Forestry, and prescribing the duties thereof,"

Was read the first and second times, and referred to the Committee on State Affairs.

House Bill No. 239,

A bill for an act to punish the counterfeiting of labels, trade marks and advertisements, and the use of counterfeited labels, trade marks and advertisements,

Was read the first and second times, and referred to the Committee on Corporations Other than Municipal.

House Bill No. 250,

A bill for an act appropriating money to improve and perfect the water supply at the Hospital for the Insane at Jamestown,

Was read the first and second times, and referred to the Committee on Appropriations.

House Bill No. 220,

A bill for an act to provide for the publication and distribution of 500 copies of the revenue law as amended,

Was read the first and second times, and referred to the Committee on Public Printing.

House Bill No. 56,

A bill for an act to repeal an act entitled "An Act to provide for the licensing of public warehouses," Chapter 138, Session Laws of 1890,

Was read the first and second times, and referred to the Committee on Warehousing, Grain and Grain Grading.

House Bill No. 231,

A bill for an act fixing the salary of Lieutenant Governor,

Mr. LaMoure moved

That further consideration of House Bill No. 231 be indefinitely postponed,

Which motion prevailed.

House Bill No. 181,

A bill for an act providing for the registration of the births, marriages and deaths throughout the State, and providing the penalty for refusal of information regarding the same,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 202,

A bill for an act declaring certain mills public mills, and fixing the rate of toll and regulating the exchange of manufactured products of grain for grain,

Was read the first and second times, and referred to the Committee on Agriculture.

House Bill No. 105,

A bill for an act to amend Sections 90, 91, 92, 93, 94, 95, 96, 97, 98, 99 and 100 of Chapter 62, Laws of 1890, "An act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violation of the provisions thereof,"

Was read the first and second times, and referred to the Committee on Education.

House Bill No. 140,

A bill for an act to provide for the acquisition of lands for township cemeteries,

Was read the first and second times, and referred to the Committee on Counties.

#### PETITIONS AND COMMUNICATIONS.

Mr. Arnold presented the following petition:

The undersigned respectfully protest against repeal in any degree of our present prohibition law.

A. A. HEIKE,  
and 116 others.

Mr. Fuller presented the following petition:

JAMESTOWN, N. D. March 1, 1891.

*To the Honorable Senate of North Dakota:*

The Congregational Church of Jamestown, North Dakota, and congregation assembled, respectfully petition your honorable body that the penalty clause of the present prohibitory law be not *repealed*: and your petitioners will ever pray.

C. L. JUDD, Ch'n,  
 GEO. C. SMITH, Sec'y,  
 CHAS. HUNSEL,  
 WILLIAM EWING,  
 Trustees.  
 J. D. WHITELAW,  
 Pastor.

Mr. Ink presented the following petition:

WHEREAS, The present Legislature is about to consider the repeal of a portion or portions of the prohibition law now in force in the State of North Dakota; and,

WHEREAS, Such action is unnecessary, unjustifiable and detrimental to the welfare of the people, we, the citizens of the township of Abercrombie, Richland county, North Dakota, hereby protest against the repeal of any portion of said law and instruct the representatives of our county to vote against any such measure. And we further declare our confidence in the existing prohibition law as a measure necessary to the morality and well-being of every citizen in our State.

Resolution adopted at a regular meeting held in the Congregational church, March 1, 1891.

A. N. BLERUD,  
 Secretary.

WILLIAM EDWARDS,  
 Chairman.

We, the undersigned, adopting the sentiments expressed in the above resolution desire to attest our disapproval of any and every measure leading to a change in the existing prohibition law, and we urge upon our representatives at Bismarck absolute compliance with our expressed desires.

WILLIAM EDWARDS,  
 Congregational minister.  
 G. P. LOVELESS,  
 M. E. minister,  
 and 200 others.

The petitions were referred to the Committee on Temperance.

Mr. Almen presented the following petition:

*To the Legislative Assembly of the State of North Dakota:*

We, the undersigned citizens of Walsh county, North Dakota, would petition your honorable body to so change or amend the law relative to chattel mortgages, so that all chattel mortgages will be filed with the township clerk in the township wherein the property is located, or with the town clerk in an incorporated town, or city recorder, in case the property be located in a city.

O. T. LOFTSGARD,  
 and 30 others.

The petition was referred to the Committee on Judiciary.

Mr. Pinkham presented the following communication:

*To Hon. N. B. Pinkham, Bismarck:]*

Copy of resolution passed Sunday, March 1, 1891:

We, the citizens of Harwood and vicinity, desire to express our gratitude that the recent attempt to repeal the most important portion of the State



prohibition law has failed. And also express our strong objection to any further effort to make void such law, thereby bringing in the reign of free whisky, which would be detrimental to the morals and safety of the people, and which would in our estimation, be decidedly a step backward.

REV. G. H. WHITEMAN,  
and 50 others.

The communication was referred to the Committee on Temperance.

#### REPORTS OF STANDING COMMITTEES.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred  
House Bill No. 224,

A bill for an act creating the office of State Superintendent of Irrigation and Forestry, and prescribing the duties thereof,

Have had the same under consideration and recommend that the same do pass.

JAMES McCORMICK,  
Chairman.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred  
House Bill No. 215,

A bill for an act for an appropriation to pay John A McLean for brick furnished the North Dakota Penitentiary at Bismarck.

Have had the same under consideration and recommend that the same do pass.

J. E. HAGGART,  
Chairman.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
March 5, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 173,

A bill for an act to provide for the appointment of sheep inspectors and to provide for the supervision of sheep in case of infection.

Also,

Senate Bill No. 127.

A bill for an act authorizing special school districts to refund bonded indebtedness, and to transfer certain funds.

Also,

Senate Bill No. 50,

A bill for an act to increase the State debt limit, an act propos-

ing an amendment to Section 182 of Article 12 of the Constitution of the State of North Dakota.

Also,

Senate Bill No. 148,

A bill for an act to encourage the construction of artesian wells, and defining the rights and liabilities of persons, corporations and companies constructing said wells for the purpose of power and for the purpose of irrigating agricultural lands.

Also,

Senate Bill No. 18,

A bill for an act to amend Section 33 of Chapter 62 of an act passed at the First Legislative Assembly of the State of North Dakota, known as the "School Law."

Also,

Senate Bill No. 185,

A bill for an act to amend Chapter 91 of the Laws of 1890.

Also,

Senate Bill No. 35.

A bill for an act entitled "An Act providing for the cancellation of certain illegal taxes on railroad grant lands upon which the United States survey fees have not been paid, and describing the manner in which it shall be done,"

All of which have passed the House unchanged.

Also,

Senate Bill No. 55,

A bill for an act to prevent the illegal branding, killing, stealing, maiming or driving stock the property of another person from their accustomed range in the State of North Dakota,

Which the House has amended as follows:

Strike out the word "prison" in Section 1, line 9, and insert the word "penitentiary" in lieu thereof,

Which the House has passed as amended.

Also,

Senate Bill No. 157,

A bill for an act to prevent the spread of contagious and infectious diseases among domestic animals,

Which the House has passed, with the following amendment:

In line 5, Section 11, after the word "duty," add "provided such expenses shall not exceed \$2,000 in any one year,"

And your concurrence therein is respectfully requested.

Also,

Senate Bill No. 105,

A bill for an act to amend Section 1, Chapter 50, Laws of 1890, entitled "An act to fix the compensation of the judges of the county court, and provide a fund to reimburse the county for the same,"

Further consideration of which has been indefinitely postponed by the House.

Also,

House Bill No. 225,

A bill for an act to amend Chapter 132 of the Laws of 1890, being an act entitled "An act prescribing the mode of making assessments, and the levy and collection of taxes, and for other purposes relative thereto."

Which the House has passed, and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

Mr. Worst moved

That the Senate do now concur in the House amendments to Senate Bill No. 157,

Which motion prevailed.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 31, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack of G. F'ks,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungesen.  
Svensrud,  
Weiser,  
Worst.

So the bill passed, and the title was agreed to.

Mr. McGillivray moved

That the Senate concur in House amendments to Senate Bill No. 55,

Which motion prevailed.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 31, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F'ks,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungesen,  
Svensrud,  
Weiser,  
Worst.

So the bill passed and the title was agreed to.

House Bill No. 129,

A bill for an act to regulate the fees of clerks of the district courts of the State of North Dakota,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 225,

A bill for an act to amend Chapter 132 of the Laws of 1890, being an act entitled "An act prescribing the mode of making assessments and the levy and collection of taxes, and for other purposes relative thereto,"

Was read the first and second times, and referred to the Committee on Ways and Means.

The special committee to arrange bills in order for final action made the following report:

MR. PRESIDENT:

Your committee appointed to arrange bills in order to facilitate business would report advising House bills to be taken up in the order named:

150, 85, 234, 244, 177, 134, 191, 11, 156, 158, 230, 197, 100, 64, 113, 164, 154, 12, 132, 175, 195, 204, 208, 65, 49, 22, 240, 205, Substitute 132, 60, 157, 105, 179, 31, 101, 129, 212, 238, 250.

C. B. LITTLE,  
Chairman.

Mr. Worst moved

That the report of the committee be adopted,

Which motion prevailed.

The select committee appointed on the drawing for the long and short terms made the following report:

MR. PRESIDENT:

Your committee to arrange for the drawing of the long and short terms report as follows:

*Resolved*, That the drawing for the long and short terms between the members from the odd and even Senatorial districts be set for a special order for 3:30 o'clock to-day and that the President of the Senate prepare thirty white envelopes in the presence of the Select Committee, enclosing twenty-nine blank cards enclosed in plain letter paper and one card with the words "For the long term" written thereon; that also wrapped in plain paper, enclosed in the other envelope, which shall all be sealed, then mixed and placed end up in a box. Drawing shall then commence. The President of the Senate shall toss a coin, "head or tail," for the first draw. Should the odds secure the same, then the Senator from District No. 1 shall draw first, or *vice versa*, commencing with No. 2 and continue consecutively. When a member draws an envelope he shall hand it, unopened, to the President, who shall open the same and declare whether blank or otherwise, as the case may be. Drawing shall so continue until the envelope containing the card with the words "For the long term" written thereon is drawn. Should a member representing an odd numbered district draw said card, then all the Senators representing odd numbered districts shall hold their present term for four years, but should a member from an even numbered district draw said card then all the Senators

from the even numbered districts shall serve for four years. The odd and even members shall be entitled to an equal number of draws.

Mr. Cashel moved  
To adopt the report of the committee,  
Which motion prevailed.

The Committee on Journal correction for the fifty-seventh day made the following report:

MR. PRESIDENT:

Your Committee appointed to examine Journal of the fifty-seventh day report that they find the same correct.

R. N. INK,  
Chairman.

Mr. Kinter moved  
To adopt the report of the committee,  
Which motion prevailed.

Mr. Johnson of Traill offered the following resolution:

*Resolved*, That C. E. Stiners, H. A. Sorley, R. P. McAllen, Bert Hill and W. W. Barrett who were transferred from Committee Clerks to the Engrossing and Enrolling force on February 8, 1891, draw pay from such date as such clerks.

Mr. Johnson of Traill moved  
To adopt the resolution.  
Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, {  
March 5, 1891. }

MR. PRESIDENT:

I have the honor to transmit herewith a resolution endorsing Reciprocity between the Latin American Republics of South and Central America,

#### RESOLUTION.

WHEREAS, It is evident to every student of agricultural industry that in order to keep pace with the older and more developed countries of the world in the strife for profitable markets for products this great nation must seek to improve the expanse of its foreign trade; and,

WHEREAS, The great northwest, of which the State of North Dakota has the distinction of forming no small part, is pre-eminently an agricultural producing section, raising annually many millions more breadstuff than it consumes; and,

WHEREAS, The Latin-American Republics of South and Central America contain some fourteen million consumers of manufactured cereals, offering at once a market equal to one-fourth the whole the United States; and,

WHEREAS, It must be acknowledged by the intelligent observer that great benefits would immediately accrue were these markets opened to our products; therefore, be it

*Resolved*, That the Second Legislative Assembly of the State of North Dakota most heartily indorses the reciprocity policy of that far-seeing, fear-

less, progressive and eminently grand American statesman, the Hon. James G. Blaine; believing that the establishment of his policy of reciprocity and international good feeling between the United States and these southern republics would materially assist in making this country the market of the world, greatly enhance the value of the labor and products of the farmers of the State of North Dakota and the Northwest, and ultimately aid in the maintenance of our vast American manufacturing interests.

Which the House has passed and your concurrence therein is respectfully requested,

J. G. HAMILTON,  
Chief Clerk.

Mr. Worst offered the following resolution:

*Resolved by the Senate, the House of Representatives concurring:* The Fargo Republican, Minneapolis Tribune and Jamestown Alert having each furnished this Legislature 100 copies per day during this sixty days' session; that said papers be paid for, each at its regular monthly rate.

Roll call demanded.

Mr. Little moved the previous question.

The question being shall the main question be now put,  
The motion was lost.

The question recurring upon the final passage of the resolution,  
Mr. Cashel moved

That further consideration of the resolution be postponed until Saturday at 3 o'clock,  
Which motion prevailed.

Mr. Cashel moved

That the Senate take a recess of fifteen minutes for the purpose of allowing time to prepare for the drawing of the long and short terms,

Which motion prevailed.

The Senate reassembled.

Mr. Cashel moved

That the Senate do now commence the drawing in the presence of the Select Committee.

Mr. Arnold moved as a substitute

That further proceedings under the report of the committee for conducting the drawing for long and short terms be dispensed with and that the Lieutenant Governor be constituted a committee of one to conduct the drawing for the long and short Senatorial terms; that he shall determine which class has the long term by flipping a dollar in open Senate. If the side bearing the representative of liberty falls uppermost then the Senators from the odd numbered districts shall have the long term. If the side bearing the eagle falls uppermost then the Senators from the even numbered districts shall have the long term.

Mr. Pinkham moved

That the substitute motion be laid upon the table,

Which motion prevailed.

Mr. Arnold moved

That the drawing for the long and short terms be made a special order for to-morrow at 3 o'clock p. m.

Roll call demanded.

The roll being called there were ayes 13, nays 18.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Kuhn,	McGillivray,
Arnold,	LaMoure,	Nelson,
Fuller,	Little,	Palmer,
Haggart,	Lowry,	Weiser.
Johnson of Ward,		

Those who voted in the negative were.

Messrs—	Messrs—	Messrs—
Bidlake,	Enger,	Miller,
Bisbee,	Ink,	Patch,
Bjorgo,	Johnson of Traill,	Pinkham,
Brynjolfson,	Kinter,	Svennungsen,
Cashel,	McCormack, G. F's,	Svensrud,
Engle,	McCormick, Ramsey,	Worst.

So the motion was lost.

The question recurring upon the motion of Mr. Cashel, that the Senate proceed to the drawing,

The motion prevailed.

Mr. Ink was called to the Chair.

The Lieutenant Governor "flipped" the coin, and the "odd" won.

The Lieutenant Governor in the Chair.

The Senate proceeded with the drawing, in accordance with the resolution, in the following order:

- No. 1—blank, by Mr. LaMoure.
- No. 2— " by Mr. Brynjolfson.
- No. 3— " by Mr. Almen.
- No. 4— " by Mr. Cashel.
- No. 5— " by Mr. Arnold.
- No. 6— " by Mr. McCormack.
- No. 7— " by Mr. Bjorgo.
- No. 8— " by Mr. Johnson of Traill.
- No. 9— " by Mr. Haggart.
- No. 10—"long term," by Mr. Pinkham.

Mr. Worst moved

That further proceedings under the lottery business be dispensed with,

Which motion prevailed, and

The Senators from the even numbered districts were declared entitled to the long term under the provisions of Section 30 of the Constitution.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
March 5, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 123,

A bill for an act to amend Sections 2, 5, 6 and 11 of Chapter 146 of the General Laws of the year 1890, entitled "An act to provide for the leasing and sale of the common school lands of North Dakota."

Also,

Senate Bill No. 199,

A bill for an act entitled "An act prescribing the duties of the President pro tempore of the Senate."

Also,

Senate Bill No. 179,

A bill for an act to amend Section 2027 of Title III of Part II of the Civil Code.

Also,

Senate Bill No. 187,

A bill for an act to amend Section 160 of the Civil Code,  
All of which have passed the House unchanged.

Also,

Senate Bill No. 182,

A bill for an act authorizing the levy of State taxes,  
Which has passed the House unchanged.

Also,

Senate Bill No. 47,

A bill for an act to establish a standard of weights and measures for the State of North Dakota, and providing penalties for the violation thereof,

Further consideration of which has been indefinitely postponed by the House.

Also,

Senate Bill No. 175,

A bill for an act to prevent trespass and the spread of noxious weeds,

Further consideration of which has been indefinitely postponed by the House.

Also,

Senate Bill No. 158,

A bill for an act amending Section 8 of Chapter 71 of the Session Laws of the First Legislative Assembly of the State of North Dakota.

Which was lost on final passage.



Also,  
A Concurrent Resolution relating to bills passed by the House yesterday which the House has passed, and your concurrence therein is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

Mr. LaMoure raised the point of order that no House bills could be received under the rules.

The Chair ruled the point of order well taken.

Mr. Little moved

That the Senate proceed to the third reading of House bills,  
Which motion prevailed.

The President pro tem. in the Chair.

• THIRD READING OF HOUSE BILLS.

House Bill No. 150,

A bill for an act to repeal Chapter 94, Session Laws of 1890, and to amend Sections 1920, 1922, 1928, 1936, 1937 and 1972 of the Political Code of 1877,

Was read the third time.

Mr. McCormack of Grand Forks moved

That the report of the committee be adopted.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 27, nays 1.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Enger,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack of G F's

Messrs—

McCormick, Ramsey,  
McGillivray,  
Miller,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Cashel,

Messrs—

Engle,

Messrs—

Svensrud.

Mr. Nelson voting in the negative.

So the bill passed and the title was agreed to.

Mr. McCormack of Grand Forks moved

That the vote by which House Bill No. 150 was passed be reconsidered, and that the motion be laid upon the table,

Which motion prevailed.

House Bill No. 85,

A bill for an act to legalize and validate the State tax levy for

the year 1890, as made by the State Board of Equalization on the  
— day of August, A. D. 1890,

Was read the third time.

Mr. Worst moved

That the report of the committee be adopted,  
Which motion prevailed.

The question recurring upon the final passage of the bill,  
The roll being called there were ayes 30, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Enger,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F'ks  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Palmer  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Mr. Engle being absent and not voting.

So the bill passed and the title was agreed to.

House Bill No. 234,

A bill for an act providing for an appropriation of \$8,500 for  
compiling the Laws of the State of North Dakota,

Was read the third time.

Mr. McCormack of Grand Forks moved

That House Bill No. 60 be read the third time and placed upon  
its final passage.

Mr. Little moved

To lay the motion upon the table,  
Which motion was lost.

The question being upon the motion by Mr. McCormack of  
Grand Forks,

The motion prevailed.

House Bill No. 60,

A bill for an act requiring the Scandinavian language to be  
taught at the State University at Grand Forks,

Was read the third time.

Mr. McCormack of Grand Forks moved

That the majority report be adopted.

Mr. Little moved as a substitute

That the minority report be adopted.

Roll call demanded.

The roll being called there were ayes 10, nays 18.

Those who voted in the affirmative were:

Messrs—  
 Bidlake,  
 Bisbee,  
 Brynjolfson,  
 Engle,

Messrs—  
 Haggart,  
 Ink,  
 Little,

Messrs—  
 Lowry,  
 McGillivray,  
 Svensrud.

Those who voted in the negative were:

Messrs—  
 Almen,  
 Bjorgo,  
 Cashel,  
 Enger,  
 Johnson of Traill,  
 Johnson of Ward,

Messrs—  
 Kinter,  
 Kuhn,  
 LaMoure,  
 McCormack, G. F'rks,  
 Miller,  
 Nelson,

Messrs—  
 Palmer,  
 Patch,  
 Pinkham,  
 Svennungsen,  
 Weiser,  
 Worst.

Absent and not voting:

Messrs—  
 Arnold,

Messrs—  
 Fuller,

Messrs—  
 McCormick, Ramsey.

So the substitute motion was lost.

The question being upon the adoption of the majority report,  
 The motion prevailed.

The question recurring upon the final passage of the bill,  
 The roll being called there were ayes 23, nays 7.

Those who voted in the affirmative were:

Messrs—  
 Almen,  
 Bisbee,  
 Bjorgo,  
 Cashel,  
 Enger,  
 Fuller,  
 Haggart,  
 Johnson of Traill,

Messrs—  
 Johnson of Ward,  
 Kuhn,  
 LaMoure,  
 Lowry,  
 McCormick, G. F'rks,  
 McCormick, Ramsey,  
 Miller,  
 Nelson,

Messrs—  
 Palmer,  
 Patch,  
 Pinkham,  
 Svennungsen,  
 Svensrud,  
 Weiser,  
 Worst.

Those who voted in the negative were:

Messrs—  
 Bidlake,  
 Brynjolfson,  
 Engle,

Messrs—  
 Ink,  
 Kinter,

Messrs—  
 Little,  
 McGillivray.

Mr. Arnold being absent and not voting.

So the bill passed and the title was agreed to.

Mr. McCormack of Grand Forks moved

That the vote by which House Bill No. 60 was passed be reconsidered, and that the motion to reconsider be laid upon the table,  
 Which motion prevailed.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 35,

A bill for an act entitled an act providing for the cancellation of certain illegal taxes on railroad grant lands upon which the United

States' survey fees had not been paid, and describing the manner in which it shall be done.

Also,

Senate Bill No. 50,

A bill for an act proposing an amendment to Section 182 of Article 12 of the Constitution of the State of North Dakota,

And find the same correctly engrossed and enrolled.

R. N. INK.

Chairman.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

House Bill No. 234,

A bill for an act providing for an appropriation of \$8,500 for compiling the Laws of the State of North Dakota,

Have had the same under consideration and recommend that the same do pass.

JOHN E. HAGGART,

Chairman.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred

House Bill No. 143,

A bill for an act to amend Section 70 of Chapter 62, Session Laws of 1890, "An act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violation of the provisions thereof,"

Have had the same under consideration and recommend that the same do pass.

Also,

House Bill No. 191,

A bill for an act to provide for the erection, operation and management of the normal schools of the State and to repeal Chapters 162 and 163, Laws of 1890; acts entitled respectively "An Act entitled 'An Act to provide for the erection and operation of a State Normal School at Mayville, Traill county, North Dakota,'" approved February 14, 1890; and "An Act to locate and provide for the management of a State Normal School at Valley City, Barnes county, North Dakota," approved March 8, 1890,

And recommend that the same do pass.

J. H. WORST,

Chairman.

The Committee on Public Health made the following report:

MR. PRESIDENT:

Your Committee on Public Health to whom was referred

Substitute for House Bill No. 190,

A bill for an act compelling county physicians of each county to attend and render medical assistance to all persons in their respective counties who are unable to employ a physician, and who may need such medical attendance.

Have had the same under consideration and recommend that the same do pass.

S. B. BRYNJOLFSON,  
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
March 5, 1891. }

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 36,

A bill for an act defining the boundaries of the fifth judicial district, subdividing the same and fixing the time for holding the terms of the district court therein.

Also,

Senate Bill No. 178,

A bill for an act providing for printing and distributing ballots at public expense, and regulating voting at all general elections, except municipal, town or school elections.

Also,

Senate Bill No. 117,

A bill for an act to amend Section 8 of Chapter 72 of the General Laws of 1890, the same being an act entitled "An act to provide for the incorporation of certain classes of benevolent and charitable institutions."

All of which have passed the House unchanged.

Also,

Senate Bill No. 132,

A bill for an act to repeal all Territorial General Laws relating to education that have not been heretofore repealed,

Further consideration of which has been indefinitely postponed by the House.

J. G. HAMILTON,  
Chief Clerk.

House Bill No. 244,

A bill for an act making an appropriation to pay certain expenses incurred by the Second Legislative Assembly of the State of North Dakota,

Was read the third time.

Mr. Worst moved

That the report of the committee be adopted.

Mr. LaMoure moved

To amend by striking out the figures "\$800" and inserting the figures "\$200" in lieu thereof.

Mr. Cashel moved

To amend the amendment by striking out the figures "\$200" and inserting the figures "\$500" in lieu thereof,

Which motion was lost.

The question being upon the amendment offered by Mr. La Moure,

Roll call demanded.

The roll being called there were ayes 7, nays 21.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bjorgo,	LaMoure,	Nelson,
Brynjolfson,	McCormack of G. F'ks	Palmer.
Fuller,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Almen,	Johnson of Traill,	McGillivray,
Arnold,	Johnson of Ward,	Miller,
Bisbee,	Kinter,	Pinkham,
Cashel,	Kuhn,	Svennungesen,
Euger,	Little,	Svensrud,
Haggart,	Lowry,	Weiser,
Ink,	McCormick, Ramsey,	Worst.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bidlake,	Engle,	Patch.

So the motion was lost.

Mr. McCormack moved

To amend line 3, Section 1, by striking out the figure "8" and inserting the figure "4" in lieu thereof.

Roll call demanded.

The roll being called, there were ayes 9, nays 21.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Eugle,	McCormack, G. F'ks,
Bjorgo,	Fuller,	Nelson,
Brynjolfson,	LaMoure,	Svennungesen.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Almen,	Johnson of Ward,	Miller,
Bisbee,	Kinter,	Palmer,
Cashel,	Kuhn,	Patch,
Euger,	Little,	Pinkham,
Haggart,	Lowry,	Svensrud,
Ink,	McCormick, Ramsey,	Weiser,
Johnson of Traill,	McGillivray,	Worst.

Mr. Arnold being absent and not voting.

So the motion was lost.

Mr. Little moved the previous question.

The question being, shall the main question be now put,  
The motion prevailed.

The question recurring upon the final passage of the bill,  
The roll being called there were ayes 23, nays 7.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bisbee,  
Cashel,  
Enger,  
Fuller,  
Haggart,  
Ink,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormick, Ramsey,  
McGillivray,

Messrs—

Miller,  
Palmer,  
Pinkham,  
Svenningsen,  
Svensrud,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—

Bidlake,  
Bjorgo,  
Brynjolfson,

Messrs—

Engle,  
LaMoure,

Messrs—

McCormack, G Forks  
Nelson.

Mr. Patch being absent and not voting.

So the bill passed and the title was agreed to.

Mr. Worst moved

That the vote by which House Bill No. 244 was passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

The President announced his signature to  
Senate Bill No. 35,

A bill for an act providing for the cancellation of certain illegal taxes on railroad grant lands upon which the United States survey fees had not been paid, and describing the manner in which it shall be done.

Also,

Senate Bill No. 50,

A bill for an act proposing an amendment to Section 182 of Article 12 of the Constitution of the State of North Dakota.

House Bill No. 177,

A bill for an act defining the criminal jurisdiction of county courts having criminal and civil jurisdiction, and providing for the practice and procedure therein, and to provide clerk hire therefor,

Was read the third time.

Mr. LaMoure moved

That the vote by which Senate Bill No. 197 was passed be reconsidered.

Mr. Lowry moved

To lay the motion upon the table,  
Which motion prevailed.

Mr. McGillivray moved

That the report of the committee on Senate Bill No. 177 be adopted,

Which motion prevailed.

The question recurring upon the final passage of the bill,  
The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,

Messrs—

Fuller,  
Haggart,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,

Messrs—

McCormick, Ramsey,  
McGillivray,  
Miller,  
Nelson,  
Palmer,  
Pinkham,  
Svennungsen,  
Svensrud,  
Worst.

Absent and not voting:

Messrs—

Ink,  
McCormack, G. F'rks,

Messrs—

Patch,

Messrs—

Weiser.

So the bill passed, and the title was agreed to.

The President announced his signature to  
House Bill No. 25,

A bill for an act to encourage the development of the coal  
mines of the State, and to determine the kind of coal that shall be  
used as fuel in the various State institutions.

Mr. La Moure moved

That the Senate take a recess until 7:30 o'clock

Which motion prevailed.

## EVENING SESSION.

The Senate reassembled at 7:30 o'clock p. m.

The Lieutenant Governor presiding.

Mr. Worst moved

That the vote by which House Bill No. 177 was passed be re-  
considered, and that the motion be laid upon the table,

Which motion prevailed.

Substitute for House Bill No. 134,

A bill for an act entitled "An Act to provide for a system of ac-  
counts for the State Auditor and State Treasurer,

Was read the third time.

Mr. Kinter moved

That the report of the committee be adopted,

Which motion prevailed.



The question recurring upon the final passage of the bill  
The roll being called there were ayes 18, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Ink,	Miller,
Bisbee,	Johnson of Traill,	Patch,
Brynjolfson,	Johnson of Ward,	Pinkham,
Enger,	Kinter,	Svennungsen,
Fuller,	Kuhn,	Weiser,
Haggart,	McCormick, Ramsey,	Worst.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	LaMoure,	McGillivray,
Bidlake,	Little,	Nelson,
Bjorgo,	Lowry,	Palmer,
Cashel,	McCormack G. Fk's,	Svensrud.
Engle,		

So the bill passed, and the title was agreed to.

House Bill No. 11,

A bill for an act to regulate the salaries of county treasurers,  
and to provide for the payment of the same,

Was read the third time.

Mr. Worst moved

That the report of the committee be adopted,  
Which motion prevailed.

The question recurring upon the final passage of the bill,  
The roll being called there were ayes 21, nays 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Ink,	Lowry,
Arnold,	Johnson of Traill,	McCormack of G. Fks,
Bidlake,	Johnson of Ward,	Miller,
Bjorgo,	Kinter,	Patch,
Brynjolfson,	Kuhn,	Pinkham,
Fuller,	LaMoure,	Weiser,
Haggart,	Little,	Worst.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bisbee,	McCormick, Ramsey,	Svennungsen.
Enger,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cashel,	McGillivray,	Palmer,
Engle,	Nelson,	Svensrud.

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which House Bill No. 11 was passed be reconsidered.

Mr. Worst moved

To lay the motion upon the table,  
Which motion prevailed.

## MESSAGE FROM THE HOUSE.

The following message was received from the House: •

HOUSE OF REPRESENTATIVES, }  
March 5, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 161,

A bill for an act to amend Section 25 of Chapter — of the Laws of 1891, entitled "A bill for an act regulating appeals from the district courts to the Supreme Court, and to repeal Chapters 3 and 16 of the Code of Civil Procedure, Dakota Territory, as published in Levissee's Code, and Chapters 20 and 26 of the Session Laws of Dakota Territory of the year 1887; also, Sections 5213 to 5239, both inclusive, of the Compiled Laws of Dakota Territory of the year 1887."

Also,

Senate Bill No. 74,

A bill for an act to provide for the registration by the Treasurer of State bonds issued or assumed by the State or North Dakota.

Both of which have passed the House unchanged.

Also,

Senate Bill No. 134,

A bill for an act to amend Section 579, Penal Code of North Dakota, being Section 6933, Compiled Code of 1887, relating to removing or destroying mortgaged property,

Which was lost on final passage.

Also,

Senate Bill No. 147,

A bill for an act to reimburse the Milnor Normal School of the town of Milnor, Sargent county, North Dakota, for expenditures in maintaining said school,

Which has passed the house with the following amendment:

By adding after the word "treasury" in Section 1, the words "not otherwise appropriated,"

And your concurrence therein is respectfully requested.

Also,

Senate Bill No. 174,

A bill for an act to amend the law enacted by the First Legislative Assembly of North Dakota, being Chapter 27, Laws of 1890, entitled "Steam Boiler Inspector,"

Further consideration of which has been indefinitely postponed by the House.

J. G. HAMILTON,  
Chief Clerk.

Substitute for House Bill No. 156,  
A bill for an act to amend Chapter 46 of the Laws of 1890,  
Was read the third time.

Mr. Kinter moved  
That the report of the committee be adopted.

Mr. Little moved as a substitute  
That the report of the committee be not adopted,  
Which motion prevailed.

The question recurring upon the final passage of the bill,  
The roll being called there were ayes 29, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Haggart,	McCormick, Ramsey,
Arnold,	Ink,	Miller,
Bidlake,	Johnson of Traill,	Nelson,
Bisbee,	Johnson of Ward,	Palmer,
Bjorgo,	Kinter,	Patch,
Brynjolfson,	Kuhn,	Pinkham,
Cashel,	LaMoure,	Svennungsen,
Engle,	Little,	Weiser,
Enger,	Lowry,	Worst.
Fuller,	McCormack, G. Fks.	

Messrs. McGillivray and Svensrud being absent and not voting.  
So the bill passed, and the title was agreed to.

Mr. Kinter moved  
That the Senate concur in the House amendments to Senate  
Bill No. 147,  
Which motion prevailed.

The question recurring upon the final passage of the bill as  
amended,

The roll being called there were ayes 30, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Haggart,	McCormick, Ramsey,
Arnold,	Ink,	McGillivray,
Bidlake,	Johnson of Traill,	Miller,
Bisbee,	Johnson of Ward,	Nelson,
Bjorgo,	Kinter,	Palmer,
Brynjolfson,	Kuhn,	Patch,
Cashel,	LaMoure,	Pinkham,
Engle,	Little,	Svennungsen,
Enger,	Lowry,	Weiser,
Fuller,	McCormack of G.Fk's	Worst.

Mr. Svensrud being absent and not voting.  
So the bill passed and the title was agreed to.

House Bill No. 191,

A bill for an act to provide for the erection, operation and management of the normal schools of the State, and to repeal Chapters 162 and 163, Laws of 1890; acts entitled respectively "An Act to

provide for the erection and operation of a State Normal School at Mayville, Traill county, North Dakota," approved February 17, 1890; and "An Act to locate and provide for the government of a State Normal School at Valley City, North Dakota," approved March 8, 1890,

Was read the third time.

Mr. Little moved

To adopt the report of the committee,

Which motion prevailed.

Mr. Worst moved

To amend Section 10 after the words "shall be payable" and before the words "from the interest and income fund" insert the words "in twenty years from date of issue."

Which motion prevailed.

The question recurring upon the final passage of the bill as amended.

The roll being called there were ayes 31, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Euger,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormick, G. F'rks,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungesen,  
Svensrud,  
Weiser,  
Worst.

So the bill passed, and the title was agreed to.

Mr. Worst moved

That the vote by which House Bill No. 191 was passed be reconsidered,

Which motion prevailed.

The Committee on Irrigation made the following report:

MR. PRESIDENT:

Your Committee on Irrigation to whom was referred

Substitute for House Bill No. 118,

A bill for an act to enable civil townships to issue bonds for the purpose of sinking artesian wells, and to provide for locating the same.

Have had the same under consideration and recommend that the same do pass.

Also,

House Bill No. 240,

A bill for an act to promote irrigation,

And recommend that the same do pass.

D. P. KUHN,  
Chairman.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

House Bill No. 250,

A bill for an act appropriating money to improve and perfect the water supply at the Hospital for Insane at Jamestown,

Have had the same under consideration, and recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

The Committee on Public Printing made the following report:

MR. PRESIDENT:

Your Committee on Public Printing to whom was referred

House Bill No. 220,

A bill for an act to provide for the publication and distribution of 500 copies of the revenue law as amended.

Have had the same under consideration and recommend that the same do pass.

A. N. LOWRY,  
Chairman.

The Committee on Stock made the following report:

MR. PRESIDENT:

Your Committee on Stock to whom was referred

Substitute for House Bill No. 192,

A bill for an act to provide for the licensing of dogs and indemnifying the owners of sheep and other stock in case of damage by dogs and creating a fund to pay for the same by a dog license,

Have had the same under consideration and recommend that the same do pass.

JAMES JOHNSON,  
Chairman.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred

House Bill No. 204,

A bill for an act authorizing counties to raise and expend a fund for the purpose of encouraging immigration,

Have had the same under consideration and recommend that the same do pass.

Also,

House Bill No. 140,

A bill for an act to provide for the acquisition of lands for township cemeteries,

And recommend that the same do pass.

Also,

House Bill No. 132,

A bill for an act fixing the salaries of county auditor and register of deeds, and for the repeal of Sections 1, 2, 3, 4 and 5, Chapter 50, Laws of 1887, and Sections 14 and 15, Chapter 10, Laws of 1887,

And recommend that the same do pass.

JAS. JOHNSON,  
Chairman.

The Committee on Stock made the following report:

MR. PRESIDENT:

Your Committee on Stock to whom was referred

House Bill No. 121,

A bill for an act to amend Sections 2, 3 and 5, of Chapter 37, of the Laws of 1890, being an act entitled "An act relating to the use of brands and earmarks on domestic animals and live stock, and repealing Chapter 61 of the Session Laws of 1891,"

Have had the same under consideration and recommend that the same do pass.

JAMES JOHNSON,  
Chairman.

House Bill No. 158,

A bill for an act to amend Section 20 of Chapter 119 of the Laws of 1890,

Was read the third time.

Mr. Worst moved

To adopt the report of the committee,

Which motion prevailed.

Mr. Haggart moved to amend:

Whereas, an emergency exists in that it is necessary to publish documents of importance prior to July 1, 1891; therefore, this act shall take effect and be in force from and after its passage and approval.

Which motion prevailed.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 31, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. Fk's;  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

So the bill passed, and the title was agreed to.

## House Bill No. 230,

A bill for an act attaching a portion of township 151 north, range 62 west, situated in the county of Benson, to the county of Ramsey,

Was read the third time.

Mr. McCormick of Ramsey moved  
To adopt the report of the committee,  
Which motion prevailed.

The question recurring upon the final passage of the bill,  
The roll being called there were ayes 28, nays 1.

Those who voted in the affirmative were:

## Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,

## Messrs—

Haggart,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormack, G. Forks  
McCormick, Ramsey,

## Messrs—

McGillivray,  
Miller,  
Nelson,  
Patch,  
Pinkham,  
Svennungesen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

## Messrs—

Bjorgo,

## Messrs—

Ink,

## Messrs—

LaMoure.

Mr. Palmer voting in the negative.

So the bill passed and the title was agreed to.

Mr. McCormick of Ramsey moved

That the vote by which House Bill No. 230 was passed be reconsidered.

Mr. LaMoure moved

To lay the motion upon the table,

Which motion prevailed.

Mr. Kinter moved

That the vote by which the Senate concurred in House amendments to Senate Bill No. 147 was passed be reconsidered.

Mr. Nelson moved

To lay the motion upon the table,

Which motion prevailed.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
March 5, 1891. }

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 88,

A bill for an act relating to registering county warrants and duty of the county treasurer relating thereto,

Which has passed the House unchanged.

Also,

Senate Bill No. 111,

A bill for an act to provide for the establishment of election precincts,

Further consideration of which has been indefinitely postponed by the House.

Also,

Senate Bill No. 135,

A bill for an act to appropriate money for the relief of the destitute persons in North Dakota,

Also,

Senate Bill No. 107,

A bill for an act providing an appropriation for the manufacture of potato starch in the State of North Dakota,

Which have passed the House unchanged.

I also have the honor to inform the Senate that the House has concurred in the Senate amendments to House Bills No. 177 and 134, and have passed the bills as amended by the Senate.

J. G. HAMILTON,

Chief Clerk.

House Bill No. 197,

A bill for an act to provide for the publication of reports of opinions rendered by the Supreme Court of the State of North Dakota, by amending Section 7 of Chapter 171 of the Laws passed by the First Legislative Assembly of the State of North Dakota,

Was read the third time.

Mr. Worst moved

That the report of the committee be adopted,

Which motion prevailed.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 31, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynolfson,  
Cashel,  
Engle,  
Euger,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F'ks,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

So the bill passed and the title was agreed to.

Mr. Kinter moved

That the vote by which House Bill No. 147 was passed be re-



considered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

House Bill No. 100,

A bill for an act to protect stock raisers and promote the breeding of improved live stock within the State of North Dakota, and to provide a lien for the services of sires,

Was read the third time.

Mr. McCormick of Ramsey moved

To adopt the report of the committee,

Which motion prevailed.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 31, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack of G. Fks,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen.  
Svensrud,  
Weiser,  
Worst.

So the bill passed and the title was agreed to.

Mr. McCormick of Ramsey moved

That the vote by which House Bill No. 100 was passed be reconsidered.

Mr. Worst moved

To lay the motion upon the table,

Which motion prevailed.

House Bill No. 64,

A bill for an act to provide for the incorporation and regulation of life endowment and casualty insurance companies, corporations or societies, other than co-operative or assessment life endowment or casualty associations or societies,

Was read the third time.

Mr. Haggart moved

That the report of the committee be adopted,

Which motion prevailed.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 26, nays 2.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,

Messrs—

Ink,  
Johnson of Traill,

Messrs—

Nelson,  
Palmer,

Messrs—  
 Bidlake,  
 Bjorgo,  
 Brynjolfson,  
 Cashel,  
 Engle,  
 Enger,  
 Haggart,

Messrs—  
 Johnson of Ward,  
 Kinter,  
 Kuhn,  
 LaMoure,  
 Little,  
 Lowry,  
 McCormack of G. F'ks

Messrs—  
 Patch,  
 Pinkham,  
 Svenningsen,  
 Svensrud,  
 Weiser,  
 Worst.

Absent and not voting:

Messrs—  
 Bisbee,

Messrs—  
 McCormick, Ramsey,

Messrs—  
 McGillivray.

Messrs. Fuller and Miller voting in the negative.

So the bill passed, and the title was agreed to.

Mr. Haggart moved

That the vote by which House Bill No. 64 was passed be reconsidered.

Mr. Little moved

To lay the motion upon the table,  
 Which motion prevailed.

Senate Bill No. 113,

A bill for an act providing for an appropriation for the annual tournament of the North Dakota Firemen's Association,  
 Was read the third time.

Mr. Worst moved

To adopt the report of the committee,  
 Which motion prevailed.

The question being upon the final passage of the bill,  
 The roll being called there were ayes 30, nays none.

Those who voted in the affirmative were:

Messrs—  
 Almen,  
 Arnold,  
 Bidlake,  
 Bisbee,  
 Bjorgo,  
 Brynjolfson,  
 Cashel,  
 Engle,  
 Enger,  
 Fuller,

Messrs—  
 Haggart,  
 Ink,  
 Johnson of Traill,  
 Johnson of Ward,  
 Kinter,  
 Kuhn,  
 LaMoure,  
 Little,  
 Lowry,  
 McCormack, G. F'ks.

Messrs—  
 McCormick, Ramsey,  
 McGillivray,  
 Miller,  
 Nelson,  
 Patch,  
 Pinkham,  
 Svenningsen,  
 Svensrud,  
 Weiser,  
 Worst.

Mr. Palmer being absent and not voting.

So the bill passed and the title was agreed to.

Mr. Worst moved

That the vote by which Substitute House Bill No. 113 was passed be reconsidered.

Mr. Little moved

That the motion to reconsider be laid upon the table,  
 Which motion prevailed.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
March 5, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 170,

A bill for an act repealing Chapter 130 of the Special Laws of 1883, entitled "An act to locate and establish a Territorial Normal School,"

Which has passed the House unchanged.

Also,

Senate Bill No. 85,

A bill for an act to amend Chapter 88 of the General Laws of 1881, relating to place of trial in justice court,

Which was lost on final passage.

Also,

Senate Bill No. 10,

A bill for an act to amend Section 15 of Chapter 24 of the Political Code, entitled "Incorporation of towns and cities,"

Further consideration of which has been indefinitely postponed by the House.

Also,

To inform the Senate that the House has concurred in the Senate amendments to House Bill No. 191, and has passed the bill thus amended.

J. G. HAMILTON,  
Chief Clerk.

House Bill No. 164.

A bill for an act providing for bringing independent school districts under the provisions of the general school laws, and for the repeal of certain laws providing for independent districts,

Was read the third time.

Mr. Worst moved

That the report of the committee be adopted,  
Which motion prevailed.

The question recurring upon the final passage of the bill,  
The roll being called, there were ayes 16, nays 12.

Those who voted in the affirmative were:

Messrs—

Bisbee,  
Enger,  
Haggart,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,

Messrs—

Kuhn,  
Little,  
McCormick, Ramsey,  
McGillivray,  
Miller,

Messrs—

Palmer,  
Patch,  
Svennungsen,  
Weiser,  
Worst.

Those who voted in the negative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Almen,	Cashel,	Lowry,
Bidlake,	Eugle,	McCormack, G. F'ke,
Bjorgo,	Fuller,	Nelson,
Brynjolfson,	LaMoure,	Pinkham.

Absent and not voting:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Arnold,	Ink,	Svensrud.

So the bill passed and the title was agreed to.

Mr. Worst moved

That the vote by which House Bill No. 164 was passed be reconsidered.

Mr. Haggart moved

That the motion to reconsider be laid upon the table,

Which motion prevailed.

House Bill No. 154,

A bill for an act to provide for the right of erection of grain warehouses and elevators on the right of way of railroad corporations and contiguous thereto,

Was read the third time.

Mr. Nelson moved

That the report of the committee be adopted,

Which motion prevailed.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 23, nays 3.

Those who voted in the affirmative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Almen,	Enger,	McCormick, Ramsey,
Arnold,	Ink,	Miller,
Bidlake,	Johnson of Traill,	Nelson,
Bisbee,	Johnson of Ward,	Patch,
Bjorgo,	Kinter,	Pinkham,
Brynjolfson,	Kuhn,	Svennungsen,
Cashel,	Little,	Svensrud,
Engle,	McCormack, G Forks	Weiser.

Those who voted in the negative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Haggart,	Lowry,	McGillivray.

Absent and not voting:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Fuller,	Palmer.	Worst.
LaMoure,		

So the bill passed, and the title was agreed to.

Mr. McCormick of Ramsey moved

That the vote by which House Bill No. 154 was passed be reconsidered.

Mr. Little moved

That the motion to reconsider be laid upon the table,  
Which motion prevailed.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 199,

A bill for an act entitled "An act prescribing the duties of the President pro tempore of the Senate."

Also,

Senate Bill No. 185,

A bill for an act to amend Chapter 91 of the Laws of 1890.

Also,

Senate Bill No. 182,

A bill for an act authorizing the levy of State tax.

Also,

Senate Bill No. 179,

A bill for an act to amend Section 2027 of Title III of Part II of the Civil Code, being Section 4660 of the Compiled Laws.

Also,

Senate Bill No. 18,

A bill for an act to amend Section 33 of Chapter 2 of an act passed at the First Legislative Assembly of the State of North Dakota, known as the "School Law,"

And find the same correctly engrossed and enrolled.

R. N. INK,  
Chairman.

Mr. President announced his signature to

Senate Bill No. 199,

A bill for an act entitled "An Act prescribing the duties of the President pro tempore of the Senate."

Also,

Senate Bill No. 185,

A bill for an act to amend Chapter 91 of the Laws of 1890.

Also,

Senate Bill No. 182,

A bill for an act authorizing the levy of State tax.

Also,

Senate Bill No. 179,

A bill for an act to amend Section 2027 of Title III of Part 11 of the Civil Code, being Section 4660 of the Compiled Laws.

Also,

Senate Bill No. 18,

A bill for an act to amend Section 33 of Chapter 2 of an act passed at the First Legislative Assembly of the State of North Dakota, known as the "School Law."

## House Bill No. 12,

A bill for an act regulating the admission of attorneys to practice in the courts of the State of North Dakota,

Was read the third time.

Mr. Kinter moved

To adopt the report of the committee,

Which motion prevailed.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Haggart,

Messrs—

Ink,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F'ks,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Bjorgo,  
Fuller,

Messrs—

Johnson of Traill,

Messrs—

Palmer.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which House Bill No. 12 was passed be reconsidered.

Mr. Worst moved

That the motion to reconsider be laid upon the table,  
Which motion prevailed.

## House Bill No. 175,

A bill for an act for the destruction of noxious weeds, and prescribing penalties therefor, and for the repeal of an act entitled "An act to prevent the spread of noxious weeds in the Territory of Dakota," General Laws of 1885, supplement, Dakota Territory, and an act entitled "An act to amend Section 1, General Laws 1885, supplement, relating to noxious weeds," Chapter 102, Session Laws of 1890,

Was read the third time.

Mr. Worst moved

That the report of the committee be adopted,  
Which motion prevailed.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Almen,	Haggart,	McGillivray,
Arnold,	Johnson of Ward,	Miller,
Bidlake,	Kinter,	Nelson.
Bisbee,	Kuhn,	Patch,
Bjorgo,	LaMoure,	Pinkham,
Brynjolfson,	Little,	Svennungsen,
Cashel,	Lowry,	Svensrud,
Engle,	McCormack G. Fk's,	Weiser,
Enger,	McCormick, Ramsey,	Worst.
Fuller,		

Absent and not voting:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Ink,	Johnson of Traill.	Palmer.

So the bill passed and the title was agreed to.

House Bill No. 195,

A bill for an act to provide for the compilation, publication, distribution and sale of the laws of the State of North Dakota,

Was read the third time.

Mr. McGillivray moved

That the report of the committee be adopted,

Which motion prevailed.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 23, nays 8.

Those who voted in the affirmative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Almen,	Johnson, of Traill,	Nelson,
Arnold,	Johnson, of Ward,	Palmer,
Bidlake,	Kinter,	Patch,
Cashel,	LaMoure,	Pinkham,
Engle,	Little,	Svennungsen,
Fuller,	Lowry,	Weiser,
Haggart,	McGillivray,	Worst.
Ink,	Miller,	

Those who voted in the negative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Bisbee,	Enger,	McCormick, Ramsey,
Bjorgo,	Kuhn,	Svensrud.
Brynjolfson,	McCormack, G. Fk's,	

So the bill passed and the title was agreed to.

Mr. Worst moved

That the vote by which House Bill No. 195 was passed be reconsidered.

Mr. Little moved

That the motion to reconsider be laid upon the table,

Which motion prevailed.

House Bill No. 208,

A bill for an act to amend Article 15 of Chapter 73 of the Laws of the Seventeenth Session of the Legislative Assembly of the Territory of Dakota,

Was read the third time.

Mr. Haggart moved

That the report of the committee be adopted,  
Which motion prevailed.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 29, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Bidlake,  
Biebee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack of G F's  
McGillivray,

Messrs—

Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Arnold,

Messrs—

McCormick, Ramsey,

Messrs—

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which House Bill No. 208 was passed be reconsidered.

Mr. Little moved

That the motion to reconsider be laid upon the table,  
Which motion prevailed.

Mr. LaMoure asked consent to make a report,

Which consent was granted, and

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on Ways and Means to whom was referred  
House Bill No. 193,

A bill for an act to amend Sections 1 and 7 of Chapter 150 of the Laws of 1890, being an act entitled "An Act to provide for liens upon crops and for the levy of a tax to secure the payment of the purchase price of such grain,"

Have had the same under consideration, and recommend that the same do pass.

Also,

House Bill No. 227,

A bill for an act to repeal Section 7 of Chapter 30 of the Laws of 1890.

Also,

House Bill No. 225,

A bill for an act to amend Chapter 132 of the Laws of 1890, being an act entitled "An act prescribing the mode of making as-



sessments, and the levy and collection of taxes, and for other purposes relative thereto,"

And recommend that the same do pass.

JUD LAMOURE,  
Chairman.

Substitute for House Bill No. 65,

A bill for an act to provide for the incorporation and regulation of co-operative and assessment life endowment and casualty insurance associations and societies,

Was read the third time.

Mr. Pinkham moved

That the report of the committee be adopted.

Which motion prevailed.

The question recurring upon the final passage of the bill,  
The roll being called there were ayes 25, nays 1.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Enger,  
Haggart,

Messrs—

Ink,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormick, G. Fk's,

Messrs—

McCormick, Ramsey  
Miller,  
Nelson,  
Patch,  
Pinkham,  
Svenningsen,  
Svensrud,  
Weiser.

Absent and not voting:

Messrs—

Engle,  
Johnson of Traill,

Messrs—

McGillivray,  
Palmer,

Messrs—

Worst.

Mr. Fuller voting in the negative.

So the bill passed and the title was agreed to.

Mr. Arnold moved

That the vote by which Substitute for House Bill No. 65 was passed be reconsidered.

Mr. Ink moved

That the motion to reconsider be laid upon the table,  
Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
March 5, 1891. }

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 169,

A bill for an act to provide for the publication of the Session Laws,

The further consideration of which has been indefinitely postponed by the House.

Also,

Senate Bill No. 153,

A bill for an act providing for the execution of bonds and undertakings by general guaranty companies,

The further consideration of which has been indefinitely postponed by the House.

Also, to inform the Senate that the House has concurred in Senate amendments to House Bills No. 197, 158, 100, 64, 113,

And that the House has passed House Bills No. 197, 158, 100, 64, 113, so amended.

J. G. HAMILTON,  
Chief Clerk.

House Bill No. 49,

A bill for an act for the protection of game,

Was read by title.

Mr. McGillivray moved

That the further consideration of the bill be indefinitely postponed,

Which motion was lost.

The bill was read the third time.

Mr. LaMoure moved

To adopt the report of the committee,

Which motion prevailed.

Mr. McCormick of Ramsey moved

That the bill be made a special order for Saturday at 3 o'clock p. m.,

Which motion was lost.

Mr. Miller moved

That the further consideration of the bill be indefinitely postponed,

Which motion was lost.

Mr. Svensrud moved

To amend by striking out the words and figures "20th day of August" and inserting the words and figure "1st day of September" in lieu thereof,

Which motion was lost.

Mr. McCormack of Grand Forks moved

To amend by striking out the word "quail" where it appears in the bill,

Which motion was lost.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 24, nays 7.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bisbee,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,

Messrs—

McCormack of G Fks,  
McCormick, Ramsey,  
McGillivray,  
Nelson.  
Patch.  
Pinkham,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—

Almen,  
Bidlake,  
Bjorgo,

Messrs—

Miller,  
Palmer,  
Svennungsen,

Messrs—

Svensrud.

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which House Bill No. 49 was passed be reconsidered.

Mr. Worst moved

That the motion to reconsider be laid upon the table,  
Which motion prevailed.

Substitute for House Bill No. 22,

A bill for an act to amend an amendment to Section 1, Chapter 157 of the Laws of North Dakota, 1890,  
Was read the third time.

Mr. Little moved

To adopt the report of the committee,  
Which motion prevailed.

Mr. McGillivray moved

To amend line 3, by striking out the words "twenty-five" and insert the words "one-third of the legal voters of any county,"  
Which motion was lost.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 24, nays 1.

Those who voted in the affirmative were:

Messrs—

Almen,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Lowry,  
McCormack, G. Fks,  
McCormick, Ramsey,

Messrs—

Miller,  
Nelson,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Arnold,  
Engle,

Messrs—

Enger,  
Johnson of Traill,

Messrs—

Little.  
Palmer.

Mr. McGillivray voting in the negative.

So the bill passed and the title was agreed to.

Mr. Kinter moved

That the vote by which House Bill No. 22 was passed be reconsidered.

Mr. LaMoure moved

That the motion to reconsider be laid upon the table,  
Which motion prevailed.

House Bill No. 205,

A bill for an act making an appropriation to pay James M. Gleason for labor as Janitor at the Capitol,  
Was read the third time.

Mr. Little moved

To adopt the report of the committee,  
Which motion prevailed.

The question recurring upon the final passage of the bill,  
The roll being called there were ayes 28, nays 1.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson.  
Cashel,  
Engle,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F'ks,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Palmer,  
Patch,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Mr. Johnson of Ward voting in the negative.

Messrs. Enger and Pinkham being absent and not voting.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which House Bill No. 205 was passed be reconsidered.

Mr. Worst moved

That the motion to reconsider be laid upon the table,  
Which motion prevailed.

The Senate returned to the seventh order of business.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred  
Substitute for House Bill No. 129,

A bill for an act entitled "An Act to regulate the fees of clerks of the district courts of the State of North Dakota,"

Have had the same under consideration and recommend that the same do pass.

Also,

House Bill No. 181,

A bill for an act providing for the registration of the births, marriages and deaths throughout the State, and providing the penalty for refusal of information regarding the same,

And recommend that the same do pass.

Also,

House Bill No. 248,

A bill for an act amending Section 1, Chapter 132 of the Laws of 1887, being Section 3024 of the Compiled Laws of 1887, and relating to railway police,

And recommend that the same do pass.

Also,

House Bill No. 245,

A bill for an act authorizing commissioners of the United States circuit court to administer oaths,

And recommend that the same do pass.

C. B. LITTLE,  
Chairman.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred

House Bill No. 178,

A bill for an act to protect the cheese industry in North Dakota,

Have had the same under consideration and recommend that the same do pass.

A. SVENSRUD,  
Chairman.

The Committee on Corporations other than Municipal made the following report:

MR. PRESIDENT:

Your Committee on Corporations other than Municipal to whom was referred

House Bill No. 239,

A bill for an act to punish the counterfeiting of labels, trade-marks and advertisements, and the use of counterfeited labels trade-marks and advertisements,

Have had the same under consideration and recommend that the same do pass.

Also,

House Bill No. 243,

A bill for an act to renew stock certificates when they have been worn out, mutilated, lost or destroyed,

Which your committee recommend do pass.

S. SVENNUNGSSEN,  
Chairman.

House Bill No. 157,

A bill for an act to reimburse Prof. R. J. Babcock for expenses incurred in making investigations regarding the adaptability of the State of North Dakota to the culture of sugar beets and for investigations regarding the value of North Dakota coals,

Was read the third time.

Mr. Ink moved

The bill be recommended to pass,

Which motion prevailed.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 25, nays 2.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Brynolfson,  
Enger,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormick, Ramsey,  
McCormack, G F<sup>ks</sup>.

Messrs—

McGillivray,  
Miller,  
Nelson,  
Palmer,  
Patch,  
Svennungsen,  
Svensrud,  
Weiser,

Absent and not voting:

Messrs—

Bjorgo,  
Cashel,

Messrs—

Johnson of Traill,  
Pinkham,

Messrs—

Worst.

Messrs. LaMoure and Engle voting in the negative.

So the bill passed and the title was agreed to.

Mr. Worst moved

That the vote by which House Bill No. 157 was passed be reconsidered.

Mr. Little moved

That the motion to reconsider be laid upon the table,

Which motion prevailed.

The Senate returned to the seventh order of business.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred

House Bill No. 202,

A bill for an act declaring certain mills, public mills and fixing the rate of toll and regulating the exchange of manufactured products of grain for grain,

Have had the same under consideration and report the same back without recommendation.

A. SVENSRUD,  
Chairman.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
MARCH 5, 1891. }

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 183,

A bill for an act to amend Section 407, Civil Code of 1877, and Section 538, Civil Code of 1877.

Also,

Senate Bill No. 163,

A bill for an act to amend Section 18 of Chapter 152, entitled "An Act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein," approved February 14, 1890.

Also,

Senate Bill No. 23,

A bill for an act to provide for a Board of State canvassers.

Also,

Senate Bill No. 122,

A bill for an act to regulate the use of marks and brands and trade-marks,

All of which the House has passed unchanged.

J. H. HAMILTON,  
Chief Clerk.

House Bill No. 179,

A bill for an act for the equitable adjustment and settlement of the delinquent taxes due to the State from the several counties.

Was read the third time.

Mr. Little moved

To adopt the report of the committee,

Which motion prevailed.

The question being upon the final passage of the bill,

The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Haggart,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F'rks,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Palmer,  
Patch,  
Svenningsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Bidlake,  
Fuller,

Messrs—

Ink,

Messrs—

Pinkham.

So the bill passed and the title was agreed to.

House Bill No. 31,

A bill for an act to authorize and regulate within this State the business of commercial agencies, credit companies and guarantee associations,

Was read the third time.

Mr. Johnson moved

That the report of the committee be adopted,

Which motion prevailed.

The Senate returned to the seventh order of business.

Mr. Worst asked consent to make a report,

Which consent was granted, and

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred

House Bill No. 105,

A bill for an act to amend Sections 90 to 100, both inclusive, Chapter 62, Laws of 1890, an act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for the violation thereof,

Have had the same under consideration and recommend that the same do pass.

J. H. WORST,  
Chairman.

Mr. Engle moved

That House Bill No. 31 be placed upon its final passage,

Which motion prevailed.

The roll being called there were ayes 24, nays 3.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,

Messrs—

Haggart,  
Johnson of Traill,  
Johnson of Ward,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. Fks,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Patch,  
Svenningsen,  
Svensrud,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—

Kinter,

Messrs—

McCormick, Ramsey,

Messrs—

Palmer.

Absent and not voting:

Messrs—

Bjorgo,  
Fuller,

Messrs—

Ink,

Messrs—

Pinkham.

So the bill passed and the title was agreed to.

Mr. Haggart moved



That the vote by which House Bill No. 31 was passed be reconsidered.

Mr. Nelson moved

That the motion to reconsider be laid upon the table,  
Which motion prevailed.

Mr. McCormick of Grand Forks moved

That the vote by which House Bill No. 129 was passed be reconsidered.

Mr. Little moved

That the motion to reconsider be laid upon the table,  
The motion prevailed.

Mr. Bidlake moved

That the Senate do now adjourn,  
Which motion prevailed, and  
The Senate adjourned.

C. C. BOWSFIELD,  
Secretary.

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## SIXTIETH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
March 6, 1891.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Arnold who was excused.

Mr. LaMoure moved

That the reading of the Journal be dispensed with, that a committee be appointed to revise and correct the same for the fifty-ninth and sixtieth days, and that the Secretary of the Senate be made an *ex-officio* member of such committee,

Which motion prevailed.

Mr. LaMoure introduced the following resolution:

WHEREAS, The members of the Senate of the Second Legislative Assembly of the State of North Dakota, realizing that the hour for its final dissolution is near, and being desirous of acknowledging the eminent ability and conspicuous fairness of the presiding officer, Lieutenant Governor Roger Allin; therefore,

*Be it Resolved*, That we do hereby return our sincere thanks to him for the impartial manner in which he has presided over the deliberations of this body;

*Resolved, further,* That this Senate, recognizing the ability, efficiency and uniform courtesy of C. C. Bowsfield, Secretary, Fred Falley, Assistant Secretary, R. M. Tuttle, Stenographer, W. D. McClintock, Bill Clerk, and L. D. McGahan, chief of the engrossing and enrolling department, we feel that it is due, not only to them, but to ourselves, to express to them the hearty thanks of this Senate.

Mr. LaMoure moved  
To adopt the resolution,  
Which motion prevailed.

#### COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }  
March 6, 1891. }

*To the President of the Senate:*

I have the honor to inform you that I have this day approved Senate Bill No. 186,  
"An act providing for an appropriation for the State Normal School at Mayville, North Dakota."

Very respectfully,  
ANDREW H. BURKE,  
Governor.

#### COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }  
March 6, 1891. }

*To the President of the Senate:*

Upon receipt of information that the artesian well at the Hospital for Insane at Jamestown, had ceased to flow, and that this institution was now securing its water supply from other sources, I sent a message to the House of Representatives calling attention to the importance of making some provision for improving and perfecting the water supply of this institution.

Deeming this matter demanding immediate consideration I would therefore direct the attention of your honorable body to House Bill No. 250 and ask your consideration of the same.

Very respectfully,  
ANDREW H. BURKE,  
Governor.

Mr. McCormick of Ramsey moved  
That the rules be suspended and that House Bill No. 250 be placed upon its third reading and final passage,  
Which motion prevailed.

House Bill No. 250,  
A bill for an act appropriating money to improve and perfect the water supply at the Hospital for the Insane at Jamestown,  
Was read the third time.

Mr. Worst moved  
To adopt the report of the committee,  
Which motion prevailed.

The question recurring upon the final passage of the bill,  
The roll being called there were ayes 22, nays 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Kinter,	Miller,
Bidlake,	Kuhn,	Palmer,
Cashel,	LaMoure,	Patch,
Fuller,	Little.	Pinkham,
Haggart,	McCormack, G. F <sup>ks</sup> .	Svensrud,
Ink,	McCormick, Ramsey,	Weiser,
Johnson of Traill,	McGillivray,	Worst.
Johnson of Ward,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bisbee,	Brynjolfson,	Nelson.
Bjorgo,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	Svennungsen.
Engle,	Lowry,	

Mr. Arnold being excused.

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which House Bill No. 250 was passed be reconsidered.

Mr. Little moved

That the motion to reconsider be laid upon the table,  
Which motion prevailed.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 161,

A bill for an act to amend Section 25 of Chapter — of the Laws of 1891, entitled "A bill for an act regulating appeals from the district courts to the Supreme Court, and to repeal Chapters 3 and 16 of the Code of Civil Procedure, Dakota Territory, as published in Levissee's Code, and Chapters 20 and 26 of the Session Laws of Dakota Territory of the year 1887; also, Sections 5213 to 5239, both inclusive, of the Compiled Laws of Dakota Territory of the year 1887."

Also,

Senate Bill No. 157,

A bill for an act to prevent the spread of contagious and infectious diseases among domestic animals.

Also,

Senate Bill No. 170,

A bill for an act repealing Chapter 13 of the Special Laws of 1883, entitled "An act to locate and establish a Territorial Normal School."

Also,

Senate Bill No. 187,

A bill for an act to amend Section 160 of the Civil Code.

Also,

Senate Bill No. 107,

A bill for an act providing for an appropriation for the manufacture of potato starch in the State of North Dakota.

Also,

Senate Bill No. 74,

A bill for an act to provide for the registration by the Treasurer of State bonds, issued or assumed by the State of North Dakota.

Also,

Senate Bill No. 135,

A bill for an act to appropriate money for the relief of the destitute persons in North Dakota.

Also,

Senate Bill No. 88,

A bill for an act relating to registering county warrants and duty of the county treasurer relating thereto.

Also,

Senate Bill No. 127,

A bill for an act authorizing special school districts to refund bonded indebtedness, and to transfer certain funds,

And find the same correctly engrossed and enrolled.

R. N. INK,  
Chairman.

The President announced his signature to

Senate Bill No. 74,

A bill for an act to provide for the registration by the Treasurer of State bonds, issued or assumed by the State of North Dakota

Also,

Senate Bill No. 107,

A bill for an act providing for an appropriation for the manufacture of potato starch in the State of North Dakota.

Also,

Senate Bill No. 88,

A bill for an act relating to registering county warrants and duty of the county treasurer relating thereto.

Also,

Senate Bill No. 135,

A bill for an act to appropriate money for the relief of destitute persons in North Dakota.

Also,

Senate Bill No. 127.

A bill for an act authorizing special school districts to refund bonded indebtedness, and to transfer certain funds.

Also,

Senate Bill No. 160,

A bill for an act to provide for the payment of the salaries of county officers monthly and for other purposes.

Also,

Senate Bill No. 170,

A bill for an act repealing Chapter 13 of the Special Laws of 1883, entitled "An act to locate and establish a Territorial Normal School."

Also,

Senate Bill No. 161,

A bill for an act to amend Section 25 of Chapter — of the Laws of 1891, entitled "A bill for an act regulating appeals from the district courts to the Supreme Court, and to repeal Chapters 3 and 16 of the Code of Civil Procedure, Dakota Territory, as published in Levissee's Code, and Chapters 20 and 26 of the Session Laws of Dakota Territory of the year 1887; also, Sections 5213 to 5239, both inclusive, of the Compiled Laws of Dakota Territory of the year 1887."

Also,

Senate Bill No. 157,

A bill for an act to prevent the spread of contagious and infectious diseases among domestic animals.

The "Steering Committee" made the following report:

MR. PRESIDENT:

The "Steering Committee" recommend that the following bills be acted upon in the order named:

191, 101, 225, 234, 204, 240, 132, 129, 215, 121, 202, 118, 166, 224, 145, 250, 212, 15, 243, 80, 220, 192, 105, 198, 176, 45, 130, 182, 190, 82, 245, 6, 99, 248, 37, 111, 178, 143, 140, 45, 181, 155, 105.

C. B. LITTLE,  
Chairman.

Mr. Worst moved

To adopt the report,

Which motion prevailed.

The President announced his signature to

House bill No. 244,

A bill for an act making an appropriation to pay certain expenses incurred by the Second Legislative Assembly of the State of North Dakota.

Also,

House Bill No. 230,

A bill for an act attaching a portion of township 151 north, range 62 west, situated in the county of Benson, to the county of Ramsey.

Also,

House Bill No. 197,

A bill for an act to provide for the publication of reports of opinions rendered by the Supreme Court of the State of North Dakota, by amending Section 7 of Chapter 171 of the Laws passed by the First Legislative Assembly of the State of North Dakota.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
MARCH 6, 1891. }

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 167,

A bill for an act for the prevention of prairie fires, and to provide against damage done by them; also prescribing duties of county commissioners in relation thereto.

Also,

Senate Bill No. 71,

A bill for an act to amend subdivisions *e, f* and *g* of Section 8 of Chapter 122 of the Laws of 1890, pertaining to the regulation of common carriers.

Also,

Senate Bill No. 189,

A bill for an act to amend Sections 1 and 2 of Chapter 63 of the General Laws of 1883.

Also,

Senate Bill No. 126,

A bill for an act to amend Section 2 of Chapter 124 of the General Laws of 1890, entitled "An Act relating to the shipment of live stock and grain."

Also,

Senate Bill No. 133,

A bill for an act to amend Section 26, Chapter 119, Laws of 1890, entitled "An act in relation to printing and binding for the State, to create a printing commission, providing for the distribution of public documents, reports and session laws, prescribing the duties of the State officers in relation thereto and making appropriations for document fund,"

Which the House has passed unchanged.

Also,

Senate Bill No. 191,

A bill for an act to amend Section — of the Session Laws of 1891, approved February 11, 1891, entitled "An Act regulating appeals in civil actions,"

Which the House has passed without the emergency clause.

Also,

Senate Bill No. 154,

A bill for an act fixing the penalty for willful neglect of certain officers to make reports, and other duties required by law, prescribing certain duties of the board of county commissioners, and states attorney in relation thereto.

Also,

Senate Bill No. 31,

A bill for an act to amend Chapter 175 of the Laws of 1890, being "An act to amend Section 1 of Chapter 51 of the Session Laws of 1889, referring to the transfer of certain county funds."

Also,

Senate Bill No. 90,

A bill for an act defining usury, making the taking of usury a misdemeanor, also the assignment or disposition of usurious contracts, and providing penalty therefor.

Also,

Senate Bill No. 109,

A bill for an act to amend Section 1, Chapter 82 of the General Laws of 1887.

Also,

Senate Bill No. 96,

A bill for an act to amend Article 1, Chapter 1, of Justices' Code, being Section 6042 of the Compiled Laws of 1887, entitled "An act to establish a Code of Procedure in courts of justices of the peace, and to limit the jurisdiction of the same."

Which the House has passed unchanged.

J. G. HAMILTON,  
Chief Clerk.

#### REPORTS OF STANDING COMMITTEES.

The Committee on Banks and Banking made the following report:

MR. PRESIDENT:

Your Committee on Banks and Banking to whom was referred House Bill No. 127,

A bill for an act for the supervision of banks other than state or national banks doing business in the State of North Dakota,

Have had the same under consideration and recommend that the same be amended as follows:

In line 11, Section 4, following the word "prescribed," strike out the fol-

lowing, viz.: "or refuse to permit the Public Examiner to examine said bank," and insert the same in Section 3, 5th line, following the word "required."

Also, amend Section 5, line 2, following the word "publish," by inserting the following, viz.: "at the expense of said bank,"

And when so amended return the same without recommendation.

J. S. CASHEL,  
Chairman.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads to whom was referred

House Bill No. 200,

A bill for an act to amend Section 6 of Chapter 122 of the General Laws of 1890,

Have had the same under consideration and recommend that the same do pass.

R. J. JOHNSON,  
Chairman.

THIRD READING OF HOUSE BILLS.

House Bill No. 191,

A bill for an act to provide for the erection, operation and management of the normal schools of the State, and to repeal Chapters 162 and 163, Laws of 1890: acts entitled respectively "An act entitled 'An act to provide for the erection and operation of a State Normal School at Mayville, Traill county, North Dakota,'" approved February 17, 1890; and "An act to locate and provide for the government of a State Normal School at Valley City, Barnes county, North Dakota," approved March 8, 1890,

Was read the third time.

Mr. Worst moved

That the report of the committee be adopted,

Which motion prevailed.

Mr. Worst moved

To amend Section 10 after the words "shall be payable" and before the words "from the interest and income fund" by inserting the words "in twenty years from date of issue."

Which motion prevailed.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—

Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Casbel,  
Engle,  
Enger,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F'ks,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Weiser,  
Worst.



Absent and not voting:

Messrs—

Almen,  
Arnold,

Messrs—

Johnson of Traill,

Messrs—

Svensrud.

So the bill passed and the title was agreed to.

Mr. Worst moved

That the vote by which House Bill No. 191 was passed be reconsidered.

Mr. Haggart moved

That the motion to reconsider be laid upon the table,  
Which motion prevailed.

House Bill No. 101,

A bill for an act prescribing a time for redeeming property sold by virtue of chattel mortgage,

Was read the third time.

Mr. Worst moved

That the bill be made a special order for 4 o'clock p. m.,  
Which motion prevailed.

Mr. Worst was called to the Chair.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
March 6, 1891. }

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 139,

A bill for an act to provide for the collection and compilation of the statistics of the State of North Dakota,  
Which the House has passed unchanged.

Also,

Senate Bill No. 33,

A bill for an act to fix the maximum rate that railroad companies may charge for the transportation of coal mined within the State of North Dakota,

Which the House has passed with the following amendments:

Strike out the figures "80" wherever they appear in Section 1, and insert in lieu thereof the figures "85."

Also, strike out in first and second lines of Section 1 the words "that railroad companies," and insert in lieu thereof "that any railroad company or railroad companies."

Also, amend Section 2 to read as follows:

SEC. 2. Any railroad company which neglects or refuses to comply with Section 1 of this act after requested so to do by the party or parties desiring shipment of coal shall pay to the party or parties desiring shipment thereof all actual damage which said party or parties may sustain by reason of the neglect or refusal by said railroad company to ship or carry coal as provided in said Section 1 hereof, and in addition to the actual damages sustained by the party

or parties so aggrieved said railroad company shall pay as exemplary damages to said party or parties aggrieved the sum of twenty-five (25) dollars per day for each and every day that it (said railroad company) fails, neglects or refuses to comply with the provisions of Section 1 of this act after requested so to do, said damages, actual and exemplary, to be recovered by the party or parties aggrieved by civil action in any court of competent jurisdiction.

Also, amend Section 3 to read as follows:

Sec. 3. It shall be the duty of the Commissioners of Railroads to enforce the provisions of Section 1 of this act, in any court of competent jurisdiction, in the name of the State of North Dakota, on the relation of the Commissioners of Railroads as plaintiff, and the provisions of Section 2 shall not affect in any manner the enforcement of Section 1, as provided in this section.

J. G. HAMILTON,  
Chief Clerk.

House Bill No. 225,

A bill for an act to amend Chapter 132 of the Laws of 1890, being an act entitled "An act prescribing the mode of making assessments and the levy and collection of taxes, and for other purposes relative thereto,"

Was read the third time.

Mr. Kinter offered the following amendment:

Strike out, commencing with line 48 on page 3, and including line 62 on page 4, and insert in lieu thereof "that Sections 18 and 19 of Chapter 132 of the Session Laws of 1890 are hereby repealed."

Mr. McCormick of Ramsey moved

To adopt the amendment,

Which motion prevailed.

Mr. Cashel moved

To amend line 22, Subdivision 6 of Section 5 following the word "building" by inserting the words "Grand Army hall owned by a Grand Army Post,"

Which motion prevailed.

The Lieutenant Governor in the Chair.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 55,

A bill for an act to prevent the illegal branding, killing, stealing, maiming or driving stock the property of another person from their accustomed range in the State of North Dakota.

Also,

Senate Bill No. 117,

A bill for an act to amend Section 8 of Chapter 72 of the General Laws of 1890, the same being an act entitled "An Act to provide for the incorporation of certain classes of benevolent and charitable institutions."

Also,

Senate Bill No. 122,

A bill for an act to regulate the use of marks and brands and trade marks.

Also,

Senate Bill No. 163,

A bill for an act to amend Section 18 of Chapter 152, entitled "An act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein," approved February 14, 1890.

Also,

Senate Bill No. 147,

A bill for an act to reimburse the Milnor Normal School, of the town of Milnor, Sargent county, North Dakota, for expenditures in maintaining said school.

Also,

Senate Bill No. 148,

A bill for an act to encourage the construction of artesian wells and defining the rights and liabilities of persons, corporations and companies constructing said wells for the purpose of power, and for the purpose of irrigating agricultural lands.

Also,

Senate Bill No. 36,

A bill for an act defining the boundaries of the Fifth judicial district, subdividing the same and fixing the time for holding the terms of the district court therein.

Also,

Senate Bill No. 173,

A bill for an act to provide for the appointment of sheep inspectors and to provide for the supervision of sheep in case of infection.

Also,

Senate Bill No. 183,

A bill for an act to amend Section 407, Civil Code of 1877, and Section 538, Civil Code of 1877,

And find the same correctly engrossed and enrolled.

R. N. INK.  
Chairman.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
March 6, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 166,

A bill for an act entitled "An Act to define and limit the homestead exemption, limiting the value thereof, providing a method of

claiming and obtaining the same, regulating the disposition, conveyance and incumbrance thereof, and the disposition, conveyance and incumbrance of the same in cases of insanity of husband or wife."

Also,

Senate Bill No. 124.

A bill for an act to amend Section 1, Chapter 139, General Laws of 1890, entitled "An act requiring the payment of fees into the State Treasury by corporations upon filing articles of incorporation or upon increase of capital stock."

Also,

Senate Bill No. 102,

A bill for an act to authorize the State Treasurer to transfer all moneys now to the credit of the stock indemnity fund, and all moneys that may be hereafter paid into said fund credited to the stock indemnity fund as provided by Section 17, Chapter 32 of the General Laws of 1887, and also the sum of \$4,543.55 credited to the counties of Buford, Flannery and Mountraille to the General Fund of the State of North Dakota.

Also,

Senate Bill No. 190,

A bill for an act defining the residence of qualified electors of the State of North Dakota,

All of which have passed the House unchanged.

J. G. HAMILTON,  
Chief Clerk.

The President announced his signature to  
House Bill No. 11,

A bill for an act to regulate the salaries of county treasurers, and to provide for the payment of the same.

Also,

House Bill No. 195,

A bill for an act to provide for the compilation, publication, distribution and sale of the laws of the State of North Dakota.

Also,

House Bill No. 175,

A bill for an act for the destruction of noxious weeds and prescribing penalties therefor, and for the repeal of an act entitled "An Act to prevent the spread of noxious weeds in the Territory of Dakota," General Laws of 1885, Supplement, Dakota Territory, and an act entitled "An Act to amend Section 1, General Laws of 1895, Supplement, relating to noxious weeds," Chapter 102, Session Laws of 1890.

Also,

House Bill No. 208,

A bill for an act to amend Article 15 of Chapter 73 of the Laws of the Seventeenth Session of the Legislative Assembly of the Territory of Dakota.

Also,

House Bill No. 100,

A bill for an act to protect stock raisers and promote the breeding of improved live stock within the State of North Dakota, and to provide a lien for the services of sires.

Also,

House Bill No. 158,

A bill for an act to amend Section 20 of Chapter 119 of the Laws of 1890.

Also,

Senate Bill No. 163,

A bill for an act to amend Section 18 of Chapter 152, entitled "An Act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein," approved February 14, 1890.

Also,

Senate Bill No. 148,

A bill for an act to encourage the construction of artesian wells, and defining the rights and liabilities of persons, corporations and companies constructing said wells for the purpose of power and for the purpose of irrigating agricultural lands.

Also,

Senate Bill No. 147,

A bill for an act to reimburse the Milnor Normal School of the town of Milnor, Sargent county, North Dakota, for expenditures in maintaining said school.

Also,

Senate Bill No. 55,

A bill for an act to prevent the illegal branding, killing, stealing, maiming or driving stock, the property of another person, from their accustomed range, in the State of North Dakota.

Also,

Senate Bill No. 117,

A bill for an act to amend Section 8 of Chapter 72 of the General Laws of 1890, the same being an act entitled "An act to provide for the incorporation of certain classes of benevolent and charitable institutions."

Also,

Senate Bill No. 36,

A bill for an act defining the boundaries of the fifth judicial district, subdividing the same and fixing the time for holding the terms of the district court therein.

Also,

Senate Bill No. 122,

A bill for an act to regulate the use of marks and brands and trade-marks.

Also,

Senate Bill No. 173,

A bill for an act to provide for the appointment of sheep inspectors and to provide for the supervision of sheep in case of infection.

Also,

Senate Bill No. 183,

A bill for an act to amend Section 407, Civil Code of 1877, and Section 538, Civil Code of 1877.

Mr. Svensrud moved

To amend House Bill No. 225 by adding to line 193, Section 6, on page 11, the following:

And be it further provided that nothing in this section shall be construed to affect any act passed by the Second Legislative Assembly for the extension of time for paying personal or real taxes for the year 1890.

Which motion prevailed.

Mr. Cashel moved

To reconsider the vote by which the amendment offered by Mr. Kinter was adopted.

Mr. LaMoure moved a call of the Senate,

Which motion prevailed.

The roll being called the following members were found to be absent without being excused: Messrs. Engle, Palmer and Miller.

Mr. Worst moved

That further proceedings under call of the Senate be dispensed with,

Which motion prevailed.

The question being upon the motion to reconsider.

Roll call demanded.

The roll being called there were ayes 21, nays 9.

Those who voted in the affirmative were:

Messrs—

Almen,  
Bidlake,  
Bjorgo,  
Cashel,  
Engle,  
Fuller,  
Haggart,

Messrs—

Johnson of Ward,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G Forks  
McGillivray,

Messrs—

Miller,  
Palmer,  
Patch,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—

Bisbee,  
Brynjolfson,  
Enger,

Messrs—

Ink,  
Johnson of Traill,  
Kinter,

Messrs—

McCormick, Ramsey,  
Nelson,  
Pinkham.

Mr. Arnold being excused.

So the motion to reconsider prevailed.

The question being upon the adoption of Mr. Kinter's amendment,

The amendment was lost.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 26, nays 2.

Those who voted in the affirmative were:

Messrs—

Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Fuller,  
Haggart,  
Ink,  
Johnson of Traill,  
Johnson of Ward,

Messrs—

Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack of G F's  
McCormick, Ramsey,  
McGillivray,  
Miller,

Messrs—

Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Almen,

Messrs—

Arnold,

Messrs—

Bidlake.

Mr. Bidlake being excused.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the vote by which House Bill No. 225 was passed be reconsidered.

Mr. Ink moved

That the motion to reconsider be laid upon the table,

Which motion prevailed.

House Bill No. 234,

A bill for an act providing for an appropriation of \$8,500 for compiling the Laws of the State of North Dakota,

Was read the third time.

Mr. Little moved.

To adopt the report of the committee,

Which motion prevailed.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 16, nays 10.

Those who voted in the affirmative were:

Messrs—

Engle,  
Fuller,  
Haggart,  
Ink,  
Johnson of Ward,  
Kinter,

Messrs—

LaMoure,  
Little,  
Lowry,  
McGillivray,  
Miller,

Messrs—

Palmer,  
Patch,  
Svennungsen,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—

Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,

Messrs—

Enger,  
Kuhn,  
McCormack, G. F'rks,

Messrs—

McCormick, Ramsey,  
Pinkham,  
Svensrud.

Absent and not voting:

Messrs—

Almen,  
Arnold,

Messrs—

Bidlake,  
Johnson of Traill,

Messrs—

Nelson.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which House Bill No. 234 was passed be reconsidered.

Mr. Worst moved

That the motion to reconsider be laid upon the table,  
Which motion prevailed.

#### SPECIAL ORDERS.

The hour having arrived for the consideration of Special Orders,

Mr. Johnson of Traill moved

That the amendment offered by the committee be adopted,  
Which motion prevailed.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 16, nays 7.

Those who voted in the affirmative were:

Messrs—

Almen,  
Brynjolfson,  
Haggart,  
Ink,  
Johnson of Traill,  
Johnson of Ward,

Messrs—

Kuhn,  
Little,  
McGillivray,  
Nelson,  
Palmer,

Messrs—

Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser.

Those who voted in the negative were:

Messrs—

Bisbee,  
Cashel,  
Fuller,

Messrs—

Kinter,  
LaMoure,

Messrs—

Miller,  
Worst.

Absent and not voting:

Messrs—

Arnold,  
Bidlake,  
Bjorgo,

Messrs—

Engle,  
Enger,  
Lowry,

Messrs—

McCormack of G. F's  
McCormick, Ramsey.

So the bill passed, and the title was agreed to.

Mr. Nelson moved

That the vote by which House Bill No. 101 was passed be reconsidered.

Mr. Ink moved

That the motion to reconsider be laid upon the table,  
Which motion prevailed.

The Committee on Journal correction for the fifty-seventh day made the following report:



MR. PRESIDENT:

Your Committee appointed to examine the Journal of the fifty-seventh day report that they find the same correct.

MAGNUS NELSON,  
Chairman.

Mr Ink moved  
To adopt the report,  
Which motion prevailed.

The Senate returned to the eighth order of business.

Mr. Ink offered the following resolution:

*Resolved*, That C. B. Lawrence, now employed on the enrolling and engrossing force, have his time of service dated from the first day of the session, in order that he may be compensated for necessary clerical work at the close of the session.

Mr. Haggart moved  
To adopt the resolution,  
Which motion prevailed.

Mr. Kinter moved  
That the Senate do concur in the resolution received by the Senate from the Governor on the forty-second day,  
Which motion prevailed.

House Bill No. 204,  
A bill for an act authorizing counties to raise and expend a fund for the purpose of encouraging immigration,  
Was read the third time.

Mr. Miller moved  
To adopt the report of the committee,  
Which motion prevailed.

The question recurring upon the final passage of the bill,  
The roll being called there were ayes 23, nays 5.

Those who voted in the affirmative were:

Messrs—

Bidlake,  
Bisbee,  
Bjorgo,  
Cashel,  
Enger,  
Fuller,  
Haggart,  
Ink,

Messrs—

Johnson of Traill,  
Kinter,  
Little,  
Lowry,  
McCormack of G. Fks,  
McGillivray,  
Miller,  
Nelson,

Messrs—

Palmer,  
Patch,  
Pinkham,  
Svennungesen,  
Svensrud,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—

Brynjolfson.  
Johnson of Ward,

Messrs—

Kuhn,  
LaMoure,

Messrs—

McCormick, Ramsey.

Absent and not voting:

Messrs—

Almen,

Messrs—

Arnold,

Messrs—

Engle.

Messrs. Almen and Arnold being excused.

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which House Bill No. 204 was passed be reconsidered.

Mr. McGillivray moved

That the motion to reconsider be laid upon the table,  
Which motion prevailed.

House Bill No. 240,

A bill for an act to promote irrigation,  
Was read the third time.

Mr. Svensrud moved

To amend by adding the following:

Whereas an emergency exists, in that, in order to receive the benefits of this law during the year 1891, it is necessary that this law should take effect prior to July 1, 1891, therefore this act shall be in force and take effect on and after its passage and approval.

Which motion prevailed.

The Committee on Engrossed and Enrolled Bills made the following report:

**MR. PRESIDENT:**

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 178,

A bill for an act providing for printing and distributing ballots at public expense, and to regulate voting at all general elections, except municipal, town or school elections.

Also,

Senate Bill No. 191,

A bill for an act to amend Section 28 of the Session Laws of 1891, approved February 11, 1891, regulating appeals in civil actions.

Also,

Senate Bill No. 122,

A bill for an act to regulate the use of marks and brands and trade marks.

Also,

Senate Bill No. 123,

A bill for an act to amend Sections 2, 5, 6 and 11 of Chapter 146 of the General Laws of the year 1890, entitled "An act to provide for the leasing and sale of the common school lands of North Dakota,"

Also,

Senate Bill No. 154,

A bill for an act fixing the penalty for willful neglect of certain officers to make reports, and other duties required by law, prescribing certain duties of the board of county commissioners and states attorney in relation thereto,

And find the same correctly engrossed and enrolled.

R. N. INK,  
Chairman.

Mr. President announced his signature to

House Bill No. 113,

A bill for an act to repeal Section 12 of an act entitled "An Act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein," Chapter 152, Laws of 1890.

Also,

House Bill No. 150,

A bill for an act to repeal Chapter 94, Session Laws of 1890, and to amend Sections 1920, 1922, 1928, 1936, 1937 and 1972 of the Political Code of 1877.

Also,

Substitute for House Bill No. 134,

A bill for an act entitled "An Act to provide for a system of accounts for the State Auditor and State Treasurer.

Also,

House Bill No. 205,

A bill for an act making an appropriation to pay James M. Gleason for labor as Janitor at the Capitol.

Also,

House Bill No. 22,

A bill for an act to amend an amendment to Section 1, Chapter 157 of the Laws of North Dakota, 1890.

Also,

House Bill No. 164.

A bill for an act providing for bringing independent school districts under the provisions of the general school laws, and for the repeal of certain laws providing for independent districts.

Also,

House Bill No. 12,

A bill for an act regulating the admission of attorneys to practice in the courts of the State of North Dakota.

Also,

House Bill No. 60,

A bill for an act requiring the Scandinavian language to be taught at the State University at Grand Forks.

Also,

House Bill No. 85,

A bill for an act to legalize and validate the State tax levy for the year 1890, as made by the State Board of Equalization on the — day of August, A. D. 1890.

Also,

House Bill No. 177,

A bill for an act defining the criminal jurisdiction of county courts having criminal and civil jurisdiction, and providing for the practice and procedure therein, and to provide clerk hire therefor.

Also,

Substitute for House Bill No. 156,

A bill for an act to amend Chapter 46 of the Laws of 1890.

Also,

Senate Bill No. 154,

A bill for an act fixing the penalty for willful neglect of certain officers to make reports and other duties required by law, prescribing certain duties of the board of county commissioners and state's attorney in relation thereto.

Also,

Senate Bill No. 123,

A bill for an act to amend Sections 2, 5, 6 and 11 of Chapter 146 of the General Laws of the year 1890, entitled "An act to provide for the leasing and sale of the common school lands of North Dakota."

Also,

Senate Bill No. 122,

A bill for an act to regulate the use of marks and brands and trade marks.

Also,

Senate Bill No. 178,

A bill for an act providing for printing and distributing ballots at public expense, and regulating voting at all general elections, except municipal, town or school elections.

Also,

Senate Bill No. 191,

A bill for an act to amend Section 28 of the Session Laws of 1891, approved February 11, 1891, regulating appeals in civil actions.

The question recurring upon the final passage of House Bill No. 240,

The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,  
Fuller,  
Haggart,  
Ink,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F'rks,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Arnold,

Messrs—

Bidlake,

Messrs—

Palmer.

Mr. Arnold being excused.

So the bill passed, and the title was agreed to.

Mr. Svensrud moved

That the vote by which House Bill No. 240 was passed be reconsidered.

Mr. Little moved

That the motion to reconsider be laid upon the table,  
Which motion prevailed.

Substitute for House Bill No. 132,

A bill for an act to amend Section 1, Chapter 50, Session Laws of 1887, relating to salaries of registers of deeds and county treasurers,

Was read the third time.

Mr. Svensrud moved

To amend by striking out the figures "\$300,000" and inserting the figures "\$400,000" in lieu thereof,

Which motion was lost.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 17, nays 12.

Those who voted in the affirmative were:

Messrs—

Bjorgo,

Enger,

Haggart,

Johnson of Traill,

Johnson of Ward,

Kinter,

Messrs—

Kuhn,

Lowry,

McCormack of G Fks,

McCormick, Ramsey,

Miller,

Nelson,

Messrs—

Palmer,

Patch,

Pinkham,

Svenningsen,

Weiser.

Those who voted in the negative were:

Messrs—

Bidlake,

Bisbee,

Brynjolfson,

Cashel,

Messrs—

Engle,

Fuller,

Ink,

LaMoure.

Messrs—

Little,

McGillivray,

Svensrud,

Worst.

Messrs. Almen and Arnold being absent and not voting.

Mr. Arnold being excused.

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which Substitute for House Bill No. 132 was passed be reconsidered.

Mr. McCormick of Ramsey moved

That the motion to reconsider be laid upon the table,  
Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, {  
March 6, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 164,

A bill for an act to make an appropriation for the collection, arrangement and display of the products of the State of North Dakota at the World's Columbian Exposition of 1893, and to provide for the expenses of the State Commissioners thereof,

Which has passed the House unchanged.

Also,

Senate Bill No. 196,

A bill for an act entitled "An act regulating the adoption of children,"

Which has passed the House unchanged.

Also,

To inform the Senate that the House has concurred in the Senate amendments to House Bill No. 191, and has passed the same as amended.

Also,

To inform the Senate that the House has concurred in the Senate amendments to House Bill No. 225, and has passed the same as amended.

Also,

To transmit herewith

Senate Bill No. 6,

A bill for an act to provide for the collection, arrangement and display of the products of the State of North Dakota at the World's Columbian Exposition of 1893,

Which has passed the House unchanged.

J. G. HAMILTON,  
Chief Clerk.

The Senate returned to the eighth order of business.

Mr. Nelson offered the following resolution and moved its adoption:

*Resolved*, That the postmaster of the Senate be reimbursed for money expended in bringing the mail to the Capitol the sum of \$30, said money to be paid out of the fund appropriated for incidentals in connection with committee rooms.

Mr. Ink moved

To adopt the resolution,

Which motion prevailed.

Substitute for House Bill No. 129,

A bill for an act to regulate the fees of clerks of the district courts of the State of North Dakota,

Was read the third time.

Mr. Worst moved

To adopt the report of the committee,  
Which motion prevailed.

The President announced his signature to  
House Bill No. 64,

A bill for an act to provide for the incorporation and regulation of life endowment and casualty insurance companies, corporations or societies, other than co-operative or assessment life endowment or casualty associations or societies.

Also,

House Bill No. 65,

A bill for an act to provide for the incorporation and regulation of co-operative and assessment life endowment and casualty insurance associations and societies.

The question recurring upon the final passage of the bill,  
The roll being called there were ayes 25, nays 2.

Those who voted in the affirmative were:

Messrs—

Almen,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Engle,  
Enger,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,  
Lowry,  
McCormack G. Fk's,

Messrs—

McCormick, Ramsey,  
Miller,  
Nelson.  
Palmer,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser.

Absent and not voting:

Messrs—

Arnold,  
Cashel,

Messrs—

LaMoure,

Messrs—

Patch.

Messrs. McGillivray and Worst voting in the negative.

Mr. Arnold being excused.

So the bill passed, and the title was agreed to.

Mr. Haggart moved

That the vote by which Substitute for House Bill No. 129 was passed be reconsidered.

Mr. Kuhn moved

That the motion to reconsider be laid upon the table,  
Which motion prevailed.

Mr. Nelson moved

That the rules be suspended, and that House Bill No. 127 be made a special order forthwith,  
Which motion was lost.

House Bill No. 215,

A bill for an act providing for an appropriation to pay John A.

McLean for brick furnished the Dakota penitentiary at Bismarck, North Dakota,

Was read the third time.

Mr. McGillivray moved

That the report of the committee be adopted,

Which motion prevailed.

The question recurring upon the final passage of the bill,

The roll being called, there were ayes 23, nays 7.

Those who voted in the affirmative were:

Messrs—

Almen,  
Bisbee,  
Cashel,  
Fuller,  
Haggart,  
Ink,  
Johnson of Traill,  
Johnson of Ward,

Messrs—

Kinter,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F'ks,  
McCormick, Ramsey,  
McGillivray,  
Miller,

Messrs—

Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen.  
Svensrud,  
Worst.

Those who voted in the negative were:

Messrs—

Bidlake,  
Bjorgo,  
Brynjolfson,

Messrs—

Engle,  
Euger,

Messrs—

Kuhn,  
Weiser.

Mr. Arnold being absent and not voting.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the vote by which House Bill No. 215 was passed be reconsidered.

Mr. Kuhn moved

That the motion to reconsider be laid upon the table,

Which motion prevailed.

House Bill No. 121,

A bill for an act to amend Sections 2, 3 and 5, of Chapter 37, of the Laws of 1890, being an act entitled "An act relating to the use of brands and earmarks on domestic animals and live stock, and repealing Chapter 61 of the Session Laws of 1881,"

Was read by title.

Mr. LaMoure moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

House Bill No. 202,

A bill for an act declaring certain mills public mills, and fixing the rate of toll and regulating the exchange of manufactured products of grain for grain,

Was read the third time.

Mr. Pinkham moved

That the bill be placed upon its final passage,

Which motion prevailed.



The question recurring upon the final passage of the bill,  
The roll being called there were ayes 11, nays 15.

Those who voted in the affirmative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Almen,	Fuller,	Miller,
Bisbee,	Haggart,	Nelson.
Brynjolfson,	Johnson of Ward,	Pinkham.
Enger,	Little,	

Those who voted in the negative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Bidlake,	Kinter,	McCormick, Ramsey.
Bjorgo,	Kuhn,	Palmer,
Cashel,	LaMoure,	Svennungsen,
Engle,	Lowry,	Svensrud,
Johnson of Traill,	McCormick, G. F.'s,	Weiser.

Absent and not voting:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Arnold,	McGillivray,	Worst.
Ink,	Patch,	

Mr. Arnold being excused.

So the bill was lost.

Substitute for House Bill No. 118,

A bill for an act to legalize the bonding of civil townships for  
the purpose of sinking artesian wells, and to provide for lo-  
cating the same,

Was read the third time.

Mr. Nelson moved

To adopt the report of the committee,

Which motion prevailed.

The question recurring upon the final passage of the bill,

□ The roll being called there were ayes 26, nays 2.

Those who voted in the affirmative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Almen,	Johnson of Traill,	Miller,
Bidlake,	Johnson of Ward,	Nelson.
Brynjolfson,	Kinter,	Palmer,
Cashel,	Kuhn,	Patch,
Engle,	LaMoure,	Pinkham,
Enger,	Little,	Svennungsen.
Fuller,	Lowry,	Svensrud,
Haggart,	McCormick, Ramsey,	Worst.
Ink,	McGillivray,	

Absent and not voting:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Arnold,	Bjorgo,	McCormack, G. Forks

Messrs. Bisbee and Weiser voting in the negative.

Mr. Arnold being excused.

So the bill passed and the title was agreed to.

Mr. Nelson moved

That the vote by which Substitute for House Bill No. 118 was passed be reconsidered.

Mr. Kuhn moved

That the motion to reconsider be laid upon the table,

Which motion prevailed.

House bill No. 166,

A joint memorial to Congress of the Senate and House of Representatives, asking that the United States Military Wood Reservation on Rock Island (now a peninsula), Ramsey county, North Dakota, be donated to the State of North Dakota for the benefit and use of the militia of said State, to be used for encampment grounds and for other purposes,

Was read the third time.

Mr. Cashel moved

That the report of the committee be adopted,

Which motion prevailed.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 24, nays 1.

Those who voted in the affirmative were:

Messrs—

Almen,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,

Messrs—

Fuller,  
Haggart,  
Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
Little,

Messrs—

McCormick, Ramsey,  
McGillivray,  
Miller,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Worst.

Absent and not voting:

Messrs—

Arnold,  
LaMoure,

Messrs—

Lowry,  
McCormack, G F's.

Messrs—

Nelson,  
Svensrud.

Mr. Weiser voting in the negative.

So the bill passed and the title was agreed to.

House Bill No. 224,

A bill for an act creating the office of State Superintendent of Irrigation and Forestry, and prescribing the duties thereof,

Was read the third time.

Mr. Kinter moved

That the report of the committee be adopted,

Which motion prevailed.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 24, nays 2.

Those who voted in the affirmative were:

Messrs—

Almen,  
Bidlake,  
Bjorgo,  
Brynjolfson,  
Cashel,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,

Messrs—

Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,

Messrs—  
Engle,  
Enger,  
Haggart,  
Ink,

Messrs—  
Little,  
McCormick, Ramsey,  
McGillivray,

Messrs—  
Svenningsen,  
Svensrud,  
Worst.

Absent and not voting:

Messrs—  
Arnold,  
Fuller,

Messrs—  
Lowry,

Messrs—  
McCormack, G. F'ks.

Messrs. Bisbee and Weiser voting in the negative.

So the bill passed, and the title was agreed to.

Mr. Nelson moved

That the Senate now take a recess to 7:30 o'clock p. m.,  
Which motion prevailed.

### EVENING SESSION.

The Senate reassembled at 7:30 o'clock p. m.

The Lieutenant Governor presiding.

Mr. LaMoure moved  
To adjourn *sine die*.

Mr. McCormick of Ramsey raised the point of order of no quorum.

The roll was called, and a quorum was found to be present.

The President announced the appointment of Messrs. LaMoure, Kinter, Pinkham and Worst as the Senate members of the Legislative committee to attend the convention at Kansas City.

Mr. McCormick of Ramsey moved

That the rules be suspended, and that House Bill No. 45 be taken up and read the third time and placed upon its final passage.

Mr. LaMoure raised the point of order that the motion was out of order.

Mr. Bisbee moved

That the Senate do now adjourn *sine die*,  
Which motion was lost.

The question being upon Mr. McCormick's motion,  
The motion was lost.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 109,

A bill for an act to amend Section 112 of Chapter 2 of the Justices' Code, being Section 6153 of the Compiled Laws.

Also,

Senate Bill No. 96,

A bill for an act to amend Article 1, Chapter 1 of Justices' Code, being Section 6042 of the Compiled Laws of 1887.

Also,

Senate Bill No. 190,

A bill for an act defining the residence of qualified electors of the State of North Dakota.

Also,

Senate Bill No. 71,

A bill for an act to amend subdivisions *e*, *f* and *g*, of Section 8 of Chapter 122 of the Laws of 1890, pertaining to the regulation of common carriers.

Also,

Senate Bill No. 124,

A bill for an act to amend Section 1, Chapter 189, General Laws of 1890, entitled "An Act requiring the payment of fees into the State Treasury by corporations upon filing of articles of incorporation, or upon increase of capital stock."

Also,

Senate Bill No. 126,

A bill for an act to amend Section 2 of Chapter 124 of the General Laws of 1890, entitled "An act relating to the shipment of live stock and grain."

And find the same correctly engrossed and enrolled.

C. B. LITTLE,  
Chairman pro tem.

The President announced his signature to

House Bill No. 191,

A bill for an act to provide for the erection, operation and management of the normal schools of the State and to repeal Chapters 162 and 163, Laws of 1890; acts entitled respectively "An Act entitled 'An Act to provide for the erection and operation of a State Normal School at Mayville, Traill county, North Dakota,'" approved February 17, 1890; and "An Act to locate and provide for the management of a State Normal School at Valley City, Barnes county, North Dakota," approved March 8, 1890.

Also,

House Bill No. 250,

A bill for an act appropriating money to improve and perfect the water supply at the Hospital for the Insane at Jamestown.

Also,

House Bill No. 157,

A bill for an act to reimburse Prof. E. J. Babcock for expenses incurred in making investigations regarding the adaptability of the State of North Dakota to the culture of sugar beets and for investigations regarding the value of North Dakota coals.

Also,

House Bill No. 179,

A bill for an act for the equitable adjustment and settlement of the delinquent taxes due to the State from the several counties.

Also,

House Bill No. 215,

A bill for an act for an appropriation to pay John A. McLean for brick furnished the North Dakota Penitentiary at Bismarck, North Dakota.

Also,

Substitute for House Bill No. 129,

A bill for an act entitled "An Act to regulate the fees of clerks of the district courts of the State of North Dakota."

Also,

House Bill No. 49,

A bill for an act for the protection of game.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 167,

A bill for an act for the prevention of prairie fires, and to provide against damage done by them; also prescribing duties of county commissioners in relation thereto.

Also,

Senate Bill No. 31,

A bill for an act to amend Section 31 of Chapter 51 of the Session Laws of 1889, referring to the transfer of certain county funds.

Also,

Senate Bill No. 189,

A bill for an act to amend Sections 1 and 2 of Chapter 63, of the General Laws of 1883.

Also,

Senate Bill No. 102,

A bill for an act to authorize the State Treasurer to transfer the sum of \$2,589.29 credited to the Stock Indemnity Fund, as provided by Section 17, Chapter 32 of the General Laws of 1887, and also the sum of \$4,543.55 credited to the counties of Buford, Flannery and Montrail, to the General Fund of the State of North Dakota.

Also,

Senate Bill No. 90,

A bill for an act defining usury, making the taking of usury a misdemeanor, also the assignment or disposition of usurious contracts, and providing penalty therefor.

Also,

## Senate Bill No. 133,

A bill for an act to amend Section 26, Chapter 119, Laws of 1890, entitled "An act in relation to printing and binding for the State, to create a printing commission, providing for the distribution of public documents, reports and session laws, prescribing the duties of the State officers in relation thereto and making appropriations for document fund,"

Also,

## Senate Bill No. 164,

A bill for an act to make an appropriation for the collection, arrangement and display of the products of the State of North Dakota at the World's Columbian Exposition of 1893 and to provide for the expenses of the State Commission thereof,

And find the same correctly engrossed and enrolled.

R. N. INK,  
Chairman.

The President announced his signature to

## Senate Bill No. 71,

A bill for an act to amend subdivisions *e, f* and *g* of Section 8 of Chapter 122 of the Laws of 1890, pertaining to the regulation of common carriers.

Also,

## Senate Bill No. 190,

A bill for an act defining the residence of qualified electors of the State of North Dakota.

Also,

## Senate Bill No. 96,

A bill for an act to amend Article 1, Chapter 1, of Justices' Code, being Section 6042 of the Compiled Laws of 1887, entitled "An act to establish a Code of Procedure in courts of justices of the peace, and to limit the jurisdiction of the same."

Also,

## Senate Bill No. 124,

A bill for an act to amend Section 1, Chapter 189, General Laws of 1890, entitled "An act requiring the payment of fees into the State Treasury by corporations upon filing articles of incorporation or upon increase of capital stock."

Also,

## Senate Bill No. 133,

A bill for an act to amend Section 26, Chapter 119, Laws of 1890, entitled "An act in relation to printing and binding for the State, to create a printing commission, providing for the distribution of public documents, reports and Session Laws, prescribing the duties of the State officers in relation thereto and making appropriations for document fund."

Also,

## Senate Bill No. 126,

A bill for an act to amend Section 2 of Chapter 124 of the General Laws of 1890, entitled "An Act relating to the shipment of live stock and grain."

Also,

Senate Bill No. 109,

A bill for an act to amend Section 112 of Chapter 2 of the Justices Code, being Section 6153 of the Compiled Laws.

Also,

Senate Bill No. 164,

A bill for an act to make an appropriation for the collection, arrangement and display of the products of the State of North Dakota at the World's Columbian Exposition of 1893, and to provide for the expenses of the State Commissioners thereof.

Also,

Senate Bill No. 90,

A bill for an act defining usury, making, the taking of usury a misdemeanor; also the assignment or disposition of usurious contracts, and providing penalty therefor.

Also,

Senate Bill No. 102,

A bill for an act to authorize the State Treasurer to transfer the sum of \$2,589.29 credited to the Stock Indemnity Fund, as provided by Section 17, Chapter 32 of the General Laws of 1887, and also the sum of \$4,543.55 credited to the counties of Buford, Flannery and Mountraille to the General Fund of the State of North Dakota.

Also,

Senate Bill No. 189,

A bill for an act to amend Sections 1 and 2 of Chapter 63 of the General Laws of 1883.

Also,

Senate Bill No. 31,

A bill for an act to amend Section 31 of Chapter 51 of the Session Laws of 1889, referring to the transfer of certain county funds.

Also,

Senate Bill No. 167,

A bill for an act for the prevention of prairie fires, and to provide against damage done by them; also prescribing duties of county commissioners in relation thereto.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
March 6, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith

A Concurrent Resolution, being a memorial to the President of the United States,

Which the House has concurred in.

Also,

A Concurrent Resolution, being a resolution thanking Governor Andrew H. Burke for courtesy and promptness in his official capacity:

CONCURRENT RESOLUTION.

*Resolved by the House of Representatives, the Senate concurring therein,* That the thanks of the Second Legislative Assembly of the State of North Dakota are hereby tendered to Governor Andrew H. Burke for his uniform courtesy to the members thereof, and his business-like promptness and efficiency in considering the interests of the people of the State.

Which the House has passed, and your concurrence therein is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

Mr. McCormack of Grand Forks moved

That the Senate do concur in the House Concurrent Resolution thanking Governor Burke,

Which motion prevailed.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills respectfully report that

Senate Bill No 179,

A bill for an act to amend Section 2027 of Title III of Part II of the Civil Code.

Also,

Senate Bill No. 18,

A bill for an act to amend Section 33 of Chapter 2 of an act passed at the First Legislative Assembly of the State of North Dakota, known as the "School Law."

Also,

Senate Bill No. 170,

A bill for an act repealing Chapter 13 of the Special Laws of 1883, entitled "An Act to locate and establish a Territorial Normal School."

Also,

Senate Bill No. 187,

A bill for an act to amend Section 160 of the Civil Code.

Also,

Senate Bill No. 135,

A bill for an act to appropriate money for the relief of the destitute persons in North Dakota.



Also,

Senate Bill No. 88,

A bill for an act relating to registering county warrants and duty of the county treasurer relating thereto.

Also,

Senate Bill No. 127,

A bill for an act authorizing special school districts to refund bonded indebtedness, and to transfer certain funds.

Also,

Senate Bill No. 107,

A bill for an act providing for an appropriation for the manufacture of potato starch in the State of North Dakota.

Also,

Senate Bill No. 74,

A bill for an act to provide for the registration by the Treasurer of State bonds issued or assumed by the State or North Dakota.

Also,

Senate Bill No. 161,

A bill for an act to amend Section 25 of Chapter — of the Laws of 1891, entitled "A bill for an act regulating appeals from the district courts to the Supreme Court, and to repeal Chapters 3 and 16 of the Code of Civil Procedure, Dakota Territory, as published in Levissee's Code, and Chapters 20 and 26 of the Session Laws of Dakota Territory of the year 1887; also, Sections 5213 to 5239, both inclusive, of the Compiled Laws of Dakota Territory of the year 1887."

Also,

Senate Bill No. 157,

A bill for an act to prevent the spread of contagious and infectious diseases among domestic animals.

Also,

Senate Bill No. 199,

A bill for an act entitled "An act prescribing the duties of the President pro tempore of the Senate."

Also,

Senate Bill No. 182,

A bill for an act authorizing the levy of State taxes.

Also,

Senate Bill No. 185,

A bill for an act to amend Chapter 91 of the Laws of 1890.

Also,

Senate Bill No. 37,

A bill for an act in relation to the collection of taxes on personal property for the year 1890.

Also,

Senate Bill No. 125,

A bill for an act to amend Sections 3, 4, 7, 8, 22, 24, 32, 37, 40, 55, 66, 67, 68, 74, 75, 79, 81, 83, 87, 101, 110, 121, 122, 135, 136, 137, 140, 143, 144, 148, 167, 169 and 192 of Chapter 62, Laws of 1890, entitled "An act to provide for a uniform system of free public schools throughout the State and to prescribe penalties for violation of the provisions thereof."

Also,

Senate Bill No. 173,

A bill for an act to provide for the appointment of sheep inspectors and to provide for the supervision of sheep in case of infection.

Also,

Senate Bill No. 148,

A bill for an act to encourage the construction of artesian wells and defining the rights and liabilities of persons, corporations and companies constructing said wells for the purpose of power, and for the purpose of irrigating agricultural lands.

Also,

Senate Bill No. 183,

A bill for an act to amend Section 407, Civil Code of 1877, and Section 538, Civil Code of 1877.

Also,

Senate Bill No. 147,

A bill for an act to reimburse the Milnor Normal School, of the town of Milnor, Sargent county, North Dakota, for expenditures in maintaining said school.

Also,

Senate Bill No. 36,

A bill for an act defining the boundaries of the Fifth judicial district, subdividing the same and fixing the time for holding the terms of the district court therein.

Also,

Senate Bill No. 55,

A bill for an act entitled an act to prevent the illegal branding, killing, stealing, maiming or driving stock, the property of another person, from their accustomed range, in the State of North Dakota.

Also,

Senate Bill No. 117,

A bill for an act to amend Section 8 of Chapter 72 of the General Laws of 1890, the same being an act entitled "An act to provide for the incorporation of certain classes of benevolent and charitable institutions."

Also,

Senate Bill No. 29,

A bill for an act to donate and grant section 36, in township 133, in range 48, west of the 5th principal meridian.

Also,

Senate Bill No. 163,

A bill for an act to amend Section 18 of Chapter 152, entitled "An act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein," approved February 14, 1890.

Also,

Senate Bill No. 178,

A bill for an act providing for printing and distributing ballots at public expense, and to regulate voting at all general elections, except municipal, town or school elections.

Also,

Senate Bill No. 122,

A bill for an act to regulate the use of marks and brands and trade marks.

Also,

Senate Bill No. 123,

A bill for an act to amend Sections 2, 5, 6 and 11 of Chapter 146 of the General Laws of the year 1890, entitled "An Act to provide for the leasing and sale of the common school lands of North Dakota."

Also,

Senate Bill No. 154,

A bill for an act fixing the penalty for willful neglect of certain officers to make reports, and other duties required by law, prescribing certain duties of the board of county commissioners, and states attorney in relation thereto.

Also,

Senate Bill No. 191,

A bill for an act to amend Section 28 of the Session Laws of 1891, approved February 11, 1891, entitled "An Act regulating appeals in civil actions,"

Were delivered to his excellency the Governor for his approval this 6th day of March, 1891.

R. N. INK,  
Chairman.

Mr. LaMoure nominated the Hon. J. H. Worst for President pro tem of the Senate, as required by the Constitution,

Which motion prevailed.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 139,

A bill for an act to provide for the collection and compilation of the statistics of the State of North Dakota,

And find the same correctly engrossed and enrolled.

R. N. INK.  
Chairman.

The President announced his signature to  
Senate Bill No. 139,

A bill for an act to provide for the collection and compilation  
of the statistics of the State of North Dakota.

Mr. Worst presented the following resolution:

WHEREAS, The Second Legislative Assembly of North Dakota is now on  
the eve of final adjournment, and the Senate has performed its labors and dis-  
charged its obligations and responsibilities with unusual good nature and ab-  
sence of sectional or political friction; and

WHEREAS, Sixteen of our members, on account of the constitutional "oc-  
tupus," were unfortunate in the drawing for the long term, and yet whose as-  
sociations were pleasant and endearing to the more fortunate fifteen who are  
doomed to continued official servitude; therefore,

*Resolved*, By the Senate, that we bury all differences of the past, and re-  
member kindly the associations that naturally cluster around the session of  
1891.

*Resolved*, That we tender a vote of thanks to the faithful employes of the  
Senate, from janitors to chief clerk, for their faithful, efficient services and  
constant devotion to duty.

*Resolved*, That we especially tender a vote of thanks to Lieutenant Gov-  
ernor Roger Allin for the able and impartial manner in which he presided  
over the Senate, and as a slight token of our confidence and esteem, be it fur-  
ther

*Resolved*, That we present our President with the chair he occupies and  
the gavel with which he so gracefully preserved the dignity and decorum of  
the Senate.

*Resolved, further*, That we wish each other long life; the largest possible  
senatorial reunion in 1893; a bountiful harvest all over the State, and pros-  
perity unlimited for North Dakota.

Mr. Little moved  
To adopt the resolution,  
Which motion prevailed.

Mr. Little moved  
That the President appoint a committee of three to ask the  
Governor if he has any further communication to make to this  
body,

Which motion prevailed.

The Chair appointed as such committee Messrs. Haggart,  
Patch and Little.

The Committee on Engrossed and Enrolled Bills made the fol-  
lowing report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have exam-  
ined

Senate Bill No. 196,

A bill for an act entitled "An Act regulating the adoption of  
children."

Also,

Senate Bill No. 166,

A bill for an act entitled "An act to define and limit the home-  
stead exemption, limiting the value thereof, providing a method of

claiming and obtaining the same, regulating the disposition, conveyance and incumbrance thereof, and the disposition, conveyance and reincumbrance of the same in cases of insanity of husband or wife,"

And find the same correctly engrossed and enrolled.

R. N. INK,  
Chairman.

Mr. Kinter was called to the Chair.

House Bill No. 130,

A bill for an act amending Sections 695 and 697 of the Penal Code, being Sections 6886 and 6888, Compiled Laws, and for further preventing cruelty to animals,

Was read the third time.

Mr. Little moved

To adopt the report of the committee,

Which motion prevailed.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 29, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Enger,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F.'s  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Palmer  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Messrs. Engle and Nelson being absent and not voting.

So the bill passed and the title was agreed to.

House Bill No. 212,

A bill for an act to regulate grain warehouses and the inspection, weighing and handling of grain, and defining the duties of the railroad commissioners in relation thereto,

Was read the third time.

The President announced his signature to

Senate Bill No. 196,

A bill for an act entitled an act regulating the adoption of children.

Also,

Senate Bill No. 166,

A bill for an act entitled "An Act to define and limit the homestead exemption, limiting the value thereof, providing a method of claiming and obtaining the same, regulating the disposition, conveyance and incumbrance thereof, and the disposition, conveyance and reincumbrance of the same in cases of insanity of husband or wife."

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
March 6, 1891.

MR. PRESIDENT:

I have the honor to transmit herewith

A resolution adopted by the House requesting the Senate to remain in session until the House bills can be enrolled.

*Be it Resolved*, That the House request the Senate not to adjourn until the House bills passed by the Senate can be enrolled.

J. G. HAMILTON,  
Chief Clerk.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 6,

A bill for an act to provide for the collection, arrangement and display of the products of the State of North Dakota at the World's Columbian Exposition of 1893, and to make an appropriation therefor,

And find the same correctly engrossed and enrolled.

R. N. INK,  
Chairman

Mr. Nelson moved

That the majority report of the Committee on House Bill No. 212 be adopted,

Which motion prevailed.

Mr. Ink moved

To amend by striking out Sections 6 and 7.

Amend line 4, Section 15, by inserting after the word "Chapter" in said line the words and figures "187 and Chapter 138."

Mr. Nelson moved

That the amendment be indefinitely postponed.

The President announced his signature to  
Senate Bill No. 6,

A bill for an act to provide for the collection, arrangement and display of the products of the State of North Dakota at the World's Columbian Exposition of 1893, and to make an appropriation therefor.

The question being upon the indefinite postponement of the amendment,

The motion was lost.

The question recurring upon the adoption of the amendment,  
The motion prevailed.

Mr. McCormick of Ramsey moved  
That the bill be reconsidered consecutively,  
Which motion prevailed.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 23, nays 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Almen,	Ink,	McGilavray,
Arnold,	Johnson, of Traill,	Miller,
Bisbee,	Kinter,	Palmer,
Bjorgo,	Kuhu,	Patch,
Brynjolfson,	LaMoure,	Pinkham,
Cashel,	Little,	Weiser,
Engle,	Lowry,	Worst.
Haggart,	McCormick, Ramsey,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Nelson,	Svensrud.
Enger,	Svennungesen,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Johnson, of Ward,	McCormack, G F <sup>ks</sup> .

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the vote by which House Bill No. 212 was passed be reconsidered.

Mr. Haggart moved

That the motion to reconsider be laid upon the table,  
Which motion prevailed.

Mr. Little moved

That a committee of three be appointed to wait upon the House to notify it that the Senate will be ready to adjourn at 9:15 o'clock p. m.,

Which motion prevailed, and .

The Chair appointed as such committee Messrs. Johnson of Traill, Pinkham and Svensrud.

House Bill No. 200,

A bill for an act to amend Section 6 of Chapter 122 of the General Laws of 1890,

Was read the third time.

Mr. McCormack of Grand Forks moved

To adopt the report of the committee,  
Which motion prevailed.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 22, nays 1.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Enger,  
Ink,

Messrs—

Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F'ks,

Messrs—

McCormick, Ramsey,  
McGillivray,  
Miller,  
Nelson,  
Svenningsen,  
Weiser,  
Worst.

Absent and not voting:

Messrs—

Bisbee,  
Engle,  
Fuller,

Messrs—

Haggart,  
Johnson of Traill,  
Patch,

Messrs—

Pinkham,  
Svensrud.

Mr. Palmer voting in the negative.

So the bill passed and the title was agreed to.

Mr. McCormack of Grand Forks moved

That the vote by which House Bill No. 200 was passed be re-considered.

Mr. Little moved

That the motion to reconsider be laid upon the table,  
The motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
March 6, 1891.

MR. PRESIDENT:

I have the honor to inform you that the House has concurred in the Senate amendments to

House Bill No. 240,

A bill for an act to promote irrigation,  
And has passed the bill so amended.

Also, to transmit herewith

Senate Bill No. 114,

A bill for an act making appropriation for a library in the office of the Superintendent of Public Instruction,

Which the House has passed unchanged.

J. G. HAMILTON,  
Chief Clerk.

House Bill No. 193,

A bill for an act to amend Sections 1 and 7 of Chapter 150 of the Laws of 1890, being an act entitled "An Act to provide for liens upon crops and for the levy of a tax to secure the payment of the purchase price of seed grain,"

Was read the third time.

Mr. Svensrud moved

To adopt the report of the committee,  
Which motion prevailed.



The question recurring upon the final passage of the bill,  
The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Engle,  
Enger,

Messrs—

Haggart,  
Ink,  
Johnson of Traill,  
Johnson of Ward.  
Kinter,  
Kuhn,  
LaMoure,  
Lowry,  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser.

Absent and not voting:

Messrs—

Fuller,  
Little,

Messrs—

McCormack, G. F'ks,  
Nelson,

Messrs—

Worst.

So the bill passed and the title was agreed to.

Mr. Kuhn moved

That the vote by which House Bill No. 193 was passed be reconsidered.

Mr. LaMoure moved

That the motion to reconsider be laid upon the table,  
Which motion prevailed.

Mr. McCormick of Ramsey moved

That the rules be suspended, and that House Bill No. 45 be read the third time and placed upon its final passage.

Mr. LaMoure moved a call of the Senate,  
Which motion prevailed.

The roll being called, the following Senators were found to be absent without being excused: Messrs. Fuller, Little and Worst.

Mr. Kinter moved

That further proceedings under call of the Senate be dispensed with,  
Which motion was lost.

Mr. Oliver, representing a committee from the House, appeared before the Senate and asked the Senate to continue in session until the House bills could be engrossed.

The President announced his signature to  
House Bill No. 234,

A bill for an act providing for an appropriation of \$8,500 for compiling the Laws of the State of North Dakota.

Also,

House Bill No. 204,

A bill for an act authorizing counties to raise and expend a fund for the purpose of encouraging immigration.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills respectfully report that

Senate Bill No. 126,

A bill for an act to amend Section 2 of Chapter 124 of the General Laws of 1890, entitled "An act relating to the shipment of live stock and grain."

Also,

Senate Bill No. 189,

A bill for an act to amend Sections 1 and 2 of Chapter 63, of the General Laws of 1883.

Also,

Senate Bill No. 167,

A bill for an act for the prevention of prairie fires, and to provide against damage done by them; also prescribing duties of county commissioners in relation thereto.

Also,

Senate Bill No. 31,

A bill for an act to amend Section 31 of Chapter 51 of the Session Laws of 1889, referring to the transfer of certain county funds.

Also,

Senate Bill No. 90,

A bill for an act defining usury, making the taking of usury a misdemeanor, also the assignment or disposition of usurious contracts, and providing penalty therefor.

Also,

Senate Bill No. 71,

A bill for an act to amend subdivisions *e*, *f* and *g* of Section 8 of Chapter 122 of the Laws of 1890, pertaining to the regulation of common carriers.

Also,

Senate Bill No. 133,

A bill for an act to amend Section 26, Chapter 119, Laws of 1890, entitled "An act in relation to printing and binding for the State, to create a printing commission, providing for the distribution of public documents, reports and session laws, prescribing the duties of the State officers in relation thereto and making appropriations for document fund."

Also,

Senate Bill No. 109,

A bill for an act to amend Section 112 of Chapter 2 of the Justices Code, being Section 6153 of the Compiled Laws.

Also,

Senate Bill No. 96,

A bill for an act to amend Article 1, Chapter 1 of Justices' Code, being Section 6042 of the Compiled Laws of 1887.

Also,

Senate Bill No. 164,

A bill for an act to make an appropriation for the collection, arrangement and display of the products of the State of North Dakota at the World's Columbian Exposition of 1893, and to provide for the expenses of the State Commissioners thereof.

Also,

Senate Bill No. 139,

A bill for an act to provide for the collection and compilation of the statistics of North Dakota.

Also,

Senate Bill No. 124,

A bill for an act to amend Section 1, Chapter 189, General Laws of 1890, entitled "An Act requiring the payment of fees into the State Treasury by corporations upon filing of articles of incorporation, or upon increase of capital stock."

Also,

Senate Bill No. 190,

A bill for an act defining the residence of qualified electors of the State of North Dakota.

Also,

Senate Bill No. 196,

A bill for an act entitled "An act regulating the adoption of children."

Also,

Senate Bill No. 166,

A bill for an act entitled "An act to define and limit the homestead exemption, limiting the value thereof, providing a method of claiming and obtaining the same, regulating the disposition, conveyance and incumbrance thereof, and the disposition, conveyance and incumbrance of the same in cases of insanity of husband or wife."

Also,

Senate Bill No. 102,

A bill for an act to authorize the State Treasurer to transfer the sum of \$2,589.29 credited to the Stock Indemnity Fund, as provided by Section 17, Chapter 32 of the General Laws of 1887, and also the sum of \$4,543.55 credited to the counties of Buford, Flannery and Montrailie, to the General Fund of the State of North Dakota.

Also,

Senate Bill No. 6,

A bill for an act to provide for the collection, arrangement and display of the products of the State of North Dakota at the

World's Columbian Exposition of 1893, and to make an appropriation therefor,

Were delivered to his excellency the Governor for his approval this 6th day of March, 1891.

R. N. INK,  
Chairman.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 114,

A bill for an act making appropriations for a library in the office of the State Superintendent of Public Instruction,

And find the same correctly engrossed and enrolled.

R. N. INK,  
Chairman.

Mr. LaMoure moved

That the Senators be excused and invited to take their seats,  
Which motion prevailed.

Mr. McCormick of Ramsey moved

That further proceedings under call of the Senate be dispensed with,

Which motion prevailed.

The question being upon the motion to suspend the rules as made by Mr. McCormick of Ramsey,

Roll call demanded.

The President announced his signature to

Senate Bill No. 114,

A bill for an act making appropriations for a library in the office of the State Superintendent of Public Instruction.

The roll being called there were ayes 17, nays 13.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Enger,

Messrs—

Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
McCormick, Ramsey,  
Nelson,

Messrs—

Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser.

Those who voted in the negative were:

Messrs—

Bidlake,  
Bisbee,  
Engle,  
Fuller,  
Haggart,

Messrs—

LaMoure,  
Little,  
Lowry,  
McCormack, G Forks

Messrs—

McGillivray,  
Miller,  
Palmer,  
Worst.

Mr. Ink being absent and not voting.

So the motion to suspend the rules was lost.

Mr. LaMoure moved

That the Senate take a recess of five minutes,  
Which motion prevailed.

Mr. Pinkham moved

That House Bills Nos. 145 and 45 be placed upon their third  
reading and final passage.

Roll call demanded.

The roll being called there were ayes 24, nays 6.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bisbee,  
Brynjolfson,  
Cashel,  
Enger,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kister,  
Kuhn,  
McCormack, G. F'ks,  
McCormick, Ramsey,  
McGillivray,

Messrs—

Miller,  
Nelson,  
Patch,  
Pinkham,  
Svennungsen,  
Svenarud,  
Weiser,  
Worst.

Those who voted in the negative were.

Messrs—

Bidlake,  
Engle,

Messrs—

LaMoure,  
Little.

Messrs—

Lowry,  
Palmer.

Mr. Bjorgo being absent and excused.

So the motion prevailed.

House Bill No. 145,

A bill for an act repealing Section 41 of Chapter 62, Session  
Laws of 1890, entitled "An Act to provide a uniform system of  
free public schools throughout the State, and to prescribe penal-  
ties for the violation of the provisions thereof,"

Was read the third time.

Mr. Svensrud moved

That the report of the committee be adopted,  
Which motion prevailed.

The question recurring upon the final passage of the bill,  
The roll being called there were ayes 30, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Enger,  
Fuller,  
Haggart,

Messrs—

Ink,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack of G F'ks  
McCormick, Ramsey,

Messrs—

McGillivray,  
Miller,  
Nelson,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Mr. Engle being absent and not voting.

So the bill passed and the title was agreed to.

Mr. Pinkham moved

That the vote by which House Bill No. 145 was passed be reconsidered.

Mr. Nelson moved

That the motion to reconsider be laid upon the table,  
Which motion prevailed.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }  
March 6, 1891. }

*To the President of the Senate:*

I have the honor to inform you that I have approved the following bills:

Senate Bill No. 179,

An act to amend Section 2027 of Title III of Part 1 of the Civil Code.

Also,

Senate Bill No. 157.

An act to prevent the spread of contagious and infectious diseases among domestic animals.

Also,

Senate Bill No. 199,

An act entitled "An Act prescribing the duties of the President pro tempore of the Senate."

Also,

Senate Bill No. 6,

An act to provide for the collection, arrangement and display of the products of the State of North Dakota at the World's Columbian Exposition of 1893.

Also,

Senate Bill No. 148,

An act to encourage the construction of artesian wells and defining the rights and liabilities of persons, corporations and companies constructing said wells for the purpose of power and for the purpose of irrigating agricultural lands.

Also,

Senate Bill No. 187,

An act to amend Section 160 of the Civil Code.

Also,

Senate Bill No. 88,

An act relating to registering county warrants and duty of the county treasurer relating thereto.

Also,

Senate Bill No. 74,

An act to provide for the registration by the Treasurer of State bonds, issued or assumed by the State of North Dakota.

Also,

Senate Bill No. 135,

An act to appropriate money for the relief of destitute persons in North Dakota.

Also,

Senate Bill No. 154,

An act fixing the penalty for willful neglect of certain officers to make reports and other duties required by law, prescribing certain duties of the board of county commissioners and state's attorney in relation thereto.

Very respectfully,

ANDREW H. BURKE,  
Governor.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills respectfully report that

Senate Bill No. 6,

A bill for an act to provide for the collection, arrangement and display of the products of the State of North Dakota at the World's Columbian Exposition of 1893,

Was delivered to His Excellency the Governor, for his approval, this 6th day of March, 1891.

R. N. INK,  
Chairman.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, {  
March 6, 1891. }

MR. PRESIDENT:

I have the honor to inform you that the House has concurred in the Senate amendments to

House Bill No. 212,

A bill for an act to regulate grain warehouses and the inspection, weighing and handling of grain and defining the duties of the Railroad Commissioners in relation thereto,

And has passed the bill thus amended.

Also,

I have the honor to transmit herewith

Senate Bill No. 198,

A bill for an act to amend Section 8 of Chapter 68 of the General Laws of 1885, entitled "An act establishing the North Dakota

Hospital for the Insane, and providing for the government of the North Dakota Hospital for the Insane,"

Which the House has passed unchanged.

Also,

Senate Bill No. 110,

A bill for an act to amend Section 1407 of Article 5 of Political Code, Compiled Laws of 1887, entitled "Fees of register of deeds."

Also,

Senate Bill No. 145,

A bill for an act to amend Section 4 of Chapter 50 of the Laws of the first session of the Legislative Assembly of the State of North Dakota, entitled "An act to fix the compensation of the judges of county courts, and provide a fund to reimburse the county for same."

Also,

Senate Bill No. 149,

A bill for an act to amend Section 7 of Chapter 26 of the Session Laws of 1890, relating to boards of health, being Section 198 of Compiled Laws of 1887.

Also,

Senate Bill No. 41,

A bill for an act to amend Sections 7, 10 and 15 of Chapter 91, General Laws of 1890, relating to marriage license.

Also,

Senate Bill No. 128,

A bill for an act to amend Section 2, Chapter 38 of the General Laws of 1890, entitled "An Act authorizing counties to build all bridges within the county limits wherein the cost of the construction of the same exceeds the sum of \$100."

Also,

Senate Bill No. 113,

A bill for an act providing for an appropriation for the annual tournament of the North Dakota Firemen's Association.

Also,

Senate Bill No. 195,

A bill for an act granting the right of suffrage to women,  
All of which were lost on final passage.

Also,

Senate Bill No. 119,

A bill for an act fixing the minimum time for which offenders may be committed to the Penitentiary.

Also,

Senate Bill No. 115,

A bill for an act to amend Sections 2 and 10 of Chapter 107 of the General Laws of 1890, entitled "An Act to provide for the in-



spection of illuminating oils manufactured from petroleum or coal oils."

Also,

Senate Bill No. 15,

A bill for an act to provide for the protection and regulation of primary elections.

Also,

Senate Bill No. 89,

A bill for an act exempting certain property and things from attachment and execution.

Also,

Senate Bill No. 184,

A bill for an act entitled "An act to amend Section 24 of Chapter 39 of the Political Code of 1877."

Also,

Senate Bill No. 162,

A bill for an act requiring the clerk of the district and county courts to make an alphabetical index to court records.

Also,

Senate Bill No. 130,

A bill for an act to require the register of deeds to number all documents filed in his office for record in consecutive numbers.

Also,

Senate Bill No. 75,

A bill for an act relating to encumbrance on growing crop.

Also,

Senate Bill No. 155,

A bill for an act providing for the returns and records of births, marriages and deaths and compilation of statistics relating thereto.

Also,

Senate Bill No. 81,

A bill for an act giving a lien on mares, cows and the offspring thereof for the service of stallion or bull.

Also,

Senate Bill No. 150,

A bill for an act to increase the revenues of the State by changing and increasing the boundaries of the counties of Pierce, McHenry, Bottineau, Ward, McLean, Williams, Billings, Stark, Morton and Mercer, and by repealing the act entitled "An act pertaining to the subdivision of the counties of Wallethe and Howard, Dakota Territory," approved March 9, 1883.

Also,

Senate Bill No. 80,

A bill for an act providing for garnishment and regulating the proceedings in connection therewith,

Further consideration of which has been indefinitely postponed by the House.

J. G. HAMILTON,  
Chief Clerk.

House Bill No. 45,

A bill for an act to facilitate the shipment of live stock, grain and other commodities,

Was taken up for consideration.

Mr. LaMoure moved

That the further consideration of the bill be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes 14, nays 14.

Those who voted in the affirmative were:

Messrs—

Bidlake,  
Bisbee,  
Engle,  
Fuller,  
Haggart,

Messrs—

Johnson of Ward,  
LaMoure,  
Little,  
Lowry,  
McCormick, G. Fk's,

Messrs—

McGillivray,  
Miller,  
Palmer,  
Worst.

Those who voted in the negative were:

Messrs—

Almen,  
Arnold,  
Bjorgo,  
Enger,  
Ink,

Messrs—

Johnson of Traill,  
Kinter,  
McCormick, Ramsey,  
Nelson,  
Patch,

Messrs—

Pinkham,  
Svennungsen,  
Svensrud,  
Weiser.

Absent and not voting:

Messrs—

Brynjolfson,

Messrs—

Cashel,

Messrs—

Kuhn.

The vote being a tie, Mr. President voted in the negative.

So the motion was lost.

Mr. LaMoure moved

That the Senate do now adjourn,

Which motion was lost.

Mr. LaMoure moved

That the Senate take a recess of ten minutes.

Roll call demanded.

The roll being called, there were ayes 17, nays 14.

Those who voted in the affirmative were:

Messrs—

Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Engle,  
Fuller,

Messrs—

Haggart,  
Johnson of Ward,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. Fk's,

Messrs—

McGillivray,  
Miller,  
Palmer,  
Svennungsen,  
Worst.

Those who voted in the negative were:

Messrs—

Almen,  
Arnold,  
Cashel,  
Enger,  
Ink,

Messrs—

Johnson of Traill,  
Kinter,  
Kuha,  
McCormick, Ramsey,  
Nelson,

Messrs—

Patch,  
Pinkham,  
Svensrud,  
Weiser.

So the motion to take a recess prevailed.

The President announced his signature to

House Bill No. 118,

A bill for an act to legalize the bonding of civil townships for the purpose of sinking artesian wells and to provide for locating the same.

Also,

House Bill No. 130,

A bill for an act amending Sections 695 and 697 of the Penal Code, being Sections 6886 and 6888, Compiled Laws, and for further preventing cruelty to animals.

Also,

House Bill No. 154,

A bill for an act to provide for the right of erection of grain warehouses and elevators on the right of way of railroad corporations and contiguous thereto.

House Bill No. 45 was read by title.

Mr. LaMoure moved

To lay the bill upon the table,

Which motion was lost.

Mr. LaMoure moved a call of the Senate,

Which motion prevailed.

Mr. McCormick of Ramsey moved

That further proceedings under call of the Senate be dispensed with,

Which motion prevailed.

House Bill No. 45 was partially read.

Mr. LaMoure moved

That the Senate do now adjourn.

Roll call demanded.

The roll being called there were ayes 8, nays 21.

Those who voted in the affirmative were:

Messrs—

Bidlake,  
Bisbee,  
Cashel,

Messrs—

Engle,  
LaMoure,  
Little,

Messrs—

McGillivray,  
Miller.

Those who voted in the negative were:

Messrs—

Almen,  
Arnold,  
Enger,  
Fuller,  
Haggart,  
Ink,  
Johnson of Traill,

Messrs—

Johnson of Ward,  
Kinter,  
Kuhn,  
Lowry,  
McCormack, G. F'rks,  
McCormick, Ramsey,  
Nelson,

Messrs—

Palmer,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser,  
Worst.

Messrs. Bjorgo and Brynjolfson being absent and not voting.  
So the motion to adjourn was lost.

Mr. Little moved

That the Senate take a recess of fifteen minutes.

Roll call demanded.

The roll being called there were ayes 14, nays 15.

Those who voted in the affirmative were:

Messrs—

Bidlake,  
Bisbee,  
Engle,  
Fuller,  
Haggart,

Messrs—

Johnson of Ward,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F'rks.

Messrs—

McGillivray,  
Miller,  
Palmer,  
Worst.

Those who voted in the negative were:

Messrs—

Almen,  
Arnold,  
Cashel,  
Enger,  
Ink,

Messrs—

Johnson of Traill,  
Kinter,  
Kuhn,  
McCormick, Ramsey,  
Nelson,

Messrs—

Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Weiser.

Messrs. Bjorgo and Brynjolfson being absent and not voting.  
So the motion to take a recess was lost.

Mr. Johnson of Traill moved

That Mr. LaMoure be excused for fifteen minutes.

Roll call demanded.

The roll being called there were ayes 12, nays 16.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Cashel,  
Engle,

Messrs—

Enger,  
Johnson of Traill,  
Kinter,  
McCormick, Ramsey,

Messrs—

Nelson,  
Pinkham,  
Weiser,  
Worst.

Those who voted in the negative were:

Messrs—

Bidlake,  
Bisbee,  
Fuller,  
Haggart,  
Ink,  
Johnson of Ward,

Messrs—

Kuhn,  
Little,  
Lowry,  
McCormack of G. F'ks,  
McGillivray,

Messrs—

Miller,  
Palmer,  
Patch,  
Svennungsen,  
Svensrud.

Absent and not voting:

Messrs—

Bjorgo,

So the motion was lost.

Mr. LaMoure moved

To take a recess of thirty minutes.

Mr. McCormick of Ramsey moved

To lay the motion upon the table.

Roll call demanded.

The President announced his signature to  
House Bill No. 224,A bill for an act entitled "An act creating the office of State  
Superintendent of Irrigation and Forestry, and prescribing the  
duties thereof."

The roll being called there were ayes 11, nays 19.

Those who voted in the affirmative were:

Messrs—

Almen,

Arnold,

Enger,

Ink,

Messrs—

Johnson of Traill,

Kinter,

McCormick, Ramsey,

Nelson,

Messrs—

Pinkham,

Svenningsen,

Svensrud.

Those who voted in the negative were:

Messrs—

Bidlake,

Bisbee,

Bjorgo,

Cashel,

Engle,

Fuller,

Haggart,

Messrs—

Johnson of Ward,

Kuhn,

LaMoure,

Little,

Lowry,

McCormack of G Fks,

Messrs—

McGillivray,

Miller,

Palmer,

Patch,

Weiser,

Worst.

Mr. Brynjolfson being absent and not voting.

So the motion was lost.

The question being upon the motion to take a recess of 30 min-  
utes,

Roll call demanded.

The roll being called there were ayes 14, nays 15.

Those who voted in the affirmative were:

Messrs—

Bidlake,

Bisbee,

Cashel,

Engle,

Fuller,

Messrs—

Haggart,

LaMoure,

Little,

Lowry,

McCormack, G Fks.

Messrs—

McGillivray,

Miller,

Palmer,

Worst.

Those who voted in the negative were:

Messrs—

Almen,

Arnold,

Bjorgo,

Enger,

Ink,

Messrs—

Johnson of Traill,

Johnson of Ward,

Kinter,

Kuhn,

McCormick, Ramsey,

Messrs—

Nelson,

Pinkham,

Svenningsen,

Svensrud,

Weiser.

Messrs. Brynjolfson and Patch being absent and not voting.

So the motion to take a recess was lost.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 198.

A bill for an act to amend Section 8 of Chapter 68 of the General Laws of 1885, entitled "An Act establishing the North Dakota Hospital for the Insane, and providing for the government of the North Dakota Hospital for the Insane,"

And find the same correctly engrossed and enrolled.

R. N. INK,  
Chairman.

Mr. President announced his signature to  
Senate Bill No. 198,

A bill for an act to amend Section 8 of Chapter 68 of the General Laws of 1885, entitled "An act establishing the North Dakota Hospital for the Insane, and providing for the government of the North Dakota Hospital for the Insane."

Mr. Little moved

To take a recess of fifteen minutes.

Roll call demanded.

The roll being called there were ayes 16, nays 12.

Those who voted in the affirmative were:

Messrs—

Bidlake,  
Bisbee,  
Cashel,  
Engle,  
Fuller,  
Haggart,

Messrs—

Johnson of Ward,  
Kuhn,  
LaMoure,  
Little,  
Lowry,

Messrs—

McGillivray,  
Miller,  
Palmer,  
Svenningsen,  
Worst.

Those who voted in the negative were:

Messrs—

Almen,  
Arnold,  
Bjorgo,  
Enger,

Messrs—

Ipk.  
Johnson of Traill,  
Kinter,  
McCormick, Ramsey,

Messrs—

Nelson,  
Patch,  
Pinkham,  
Syvensrud.

Absent and not voting:

Messrs—

Brynjolfson,

Messrs—

McCormack of G. F<sup>ks</sup>

Messrs—

Weiser.

So the motion prevailed.

The Senate reassembled.

Mr. LaMoure moved

To lay House Bill No. 45 upon the table,

Which motion prevailed.

Mr. LaMoure moved

That the rules be suspended, and that House Bill No. 105 be read the third time and placed upon its final passage,

Which motion prevailed.

House Bill No. 105,

A bill for an act to amend Sections 90, 91, 92, 93, 94, 95, 96, 97, 98, 99 and 100 of Chapter 62, Laws of 1890, "An act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violation of the provisions thereof,"

Was read the third time.

Mr. Worst moved

To adopt the report of the committee,

Which motion prevailed.

The question recurring upon the final passage of the bill,

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Bidlake,  
Bisbee,  
Bjorgo,  
Cashel,  
Engle,  
Enger,  
Fuller,

Messrs—

Haggart,  
Johnson of Traill,  
Johnson of Ward,  
Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. F'ks,

Messrs—

McCormick, Ramsey,  
McGillivray,  
Miller,  
Patch,  
Pinkham,  
Svennungsen,  
Svensrud,  
Worst.

Absent and not voting:

Messrs—

Brynjolfson,  
Ink,

Messrs—

Nelson,  
Palmer,

Messrs—

Weiser.

So the bill passed, and the title was agreed to.

Mr. Worst moved

That the vote by which House Bill No. 105 was passed be reconsidered.

Mr. Little moved

That the motion to reconsider be laid upon the table,

Which motion prevailed.

The President announced his signature to

House Bill No. 145,

A bill for an act repealing Section 41 of Chapter 62, Session Laws of 1890, entitled "An Act to provide a uniform system of free public schools throughout the State and to prescribe penalties for the violation of the provisions thereof."

Also,

House Bill No. 193,

A bill for an act to amend Sections 1 and 7 of Chapter 150 of the Laws of 1890, being an act entitled "An Act to provide for liens upon crops and for the levy of a tax to secure the payment of the purchase price of seed grain."

Also,

House Bill No. 212,

A bill for an act to regulate grain warehouses and the inspection, weighing and handling of grain, and defining the duties of the Railroad Commissioners in relation thereto.

Mr. Cashel moved

That the rules be suspended and that House Bills Nos. 232 and 255 be read the third time and placed upon their final passage,

Which motion prevailed.

Mr. Little moved

That the Senate do now adjourn.

Roll call demanded.

The President announced his signature to

House Bill No. 105.

A bill for an act to amend Sections 90, 91, 92, 93, 94, 95, 96, 97, 98, 99 and 100 of Chapter 62, Laws of 1890, entitled "An act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for the violation of the provisions thereof."

Mr. Worst offered the following resolution:

WHEREAS, Mr. Baker, a reporter, having the privileges of the floor, has sought to influence the votes of Senators on measures pending before this body by threats in the nature of blackmail; therefore,

*Resolved by the Senate*, That such conduct is severely reprehensible, and a gross breach of propriety and the rules of this house; and be it further

*Resolved*, That said Baker be excluded from the privileges of the floor.

Mr. LaMoure moved

To adopt the resolution.

Mr. McCormick of Ramsey moved

To lay the resolution upon the table.

Roll call demanded.

The roll being called there were ayes 7, nays 19.

Those who voted in the affirmative were:

Messrs—

Almen,  
Arnold,  
Enger,

Messrs—

Johnson of Traill,  
Johnson of Ward,

Messrs—

McCormick, Ramsey,  
Svensrud,

Those who voted in the negative were:

Messrs—

Bidlake,  
Bisbee,  
Bjorgo,  
Brynjolfson,  
Cashel,  
Fuller,  
Haggart,

Messrs—

Kinter,  
Kuhn,  
LaMoure,  
Little,  
Lowry,  
McCormack, G. Forks

Messrs—

M. Gillivray,  
Miller,  
Palmer,  
Patch,  
Pinkham,  
Svennungsen.



Absent and not voting:

Messrs—  
Engle,  
Ink,

Messrs—  
Nelson,  
Weiser,

Messrs—  
Worst.

So the motion to lay upon the table was lost.

The question being upon the motion to adopt the resolution,  
The motion prevailed.

The President announced his signature to  
House Bill No. 166,

A joint memorial to Congress of the Senate and House of Representatives, asking that the United States Military Wood Reservation on Rock Island (now a peninsula), Ramséy county, North Dakota, be donated to the State of North Dakota for the benefit and use of the militia of said State, to be used for encampment grounds and for other purposes.

Also,

House Bill No. 200,

A bill for an act to amend Section 6, Chapter 122, General Laws of 1890.

Also,

House Bill No. 225,

A bill for an act to amend Chapter 132 of the Laws of 1890, being an act entitled "An act prescribing the mode of making assessments, and the levy and collection of taxes, and for other purposes relative thereto."

Also,

House Bill No. 240,

A bill for an act to promote irrigation.

Mr. Haggart as chairman of the committee appointed to wait upon the Governor reported his excellency as expressing his thanks to the Senate for the many courtesies shown him, and for the kind resolution expressing the regard of the Senate.

Mr. Cashel moved

That the Senate do now adjourn *sine die*,

Which motion prevailed, and

The Senate adjourned,

C. C. BOWSFIELD,  
Secretary.



## SENATE BILLS.

Number.	Introduced by	Relating to	Introduced.	Committed.
1	Mr. Haggart	Granting Land	10	25
2	Mr. Little	Regulating Appeals	10	25
3	Mr. Little	Supreme Court Practice	10	25
4	Mr. Worst	Elections	10	26
5	Mr. Worst	Elections	10	26
6	Mr. Haggart	World's Fair	11	26
7	Mr. Miller	Compensation County Judges	11	26
8	Mr. McCormick of Ramsey	Elections	12	26
9	Mr. Miller	Fort Abraham Lincoln	13	26
10	Mr. Almen	Towns and Cities	13	26
11	Mr. Cashel	State Board of Canvassers	13	26
12	Mr. Kinter	Public Schools	13	27
13	Mr. Kinter	Taxation	13	27 180
14	Mr. Kinter	Elections	13	27
15	Mr. Pinkham	Elections	13	27
16	Mr. Enger	Trusts	13	27
17	Mr. Arnold	Elk Valley Farming Company	18	27
18	Mr. Kinter	Public Schools	18	27
19	Mr. Worst	Paroling Prisoners	19	27
20	Mr. McCormack of Grand Forks	Independent School Districts	19	28
21	Mr. Kinter	County Depositories	19	28 176
22	Mr. Cashel	Education	22	26
23	Mr. Cashel	Board of Canvassers	22	26
24	Mr. Miller	Real Estate Bid In	23	27
25	Mr. Almen	Protection of Laborers	23	27
26	Mr. Kinter	County Warrants	23	27
27	Mr. Kinter	Seed Grain	23	27
28	Mr. Little	Free Text Books	23	27
29	Mr. Ink	Granting Land	23	27
30				
31	Mr. LaMoure	County Funds	23	27
32	Mr. McCormack of Grand Forks	Classifying Judicial Districts	23	27
33	Mr. Johnson of Ward	Transportation Rates	26	51
34	Mr. LaMoure	State Indebtedness	26	52
35	Mr. Little	Illegal Taxes	26	53
36	Mr. Fuller	Fifth Judicial District	26	53
37	Mr. Svensrud	Collection of Taxes	44	53
38	Mr. Svensrud	Sheep Inspectors	44	53
39	Mr. Weiser	County Commissioners	44	52
40	Mr. Weiser	Payment of Taxes	44	52
41	Mr. Johnson of Ward	Marriage Licenses	44	52
42	Mr. Johnson of Ward	Public Officers	44	52
43	Mr. Ink	Repeal of Banking Law	44	52
44	Mr. Kinter	Infectious Diseases	45	52
45	Mr. McGillivray	Branding Stock	45	52
46	Mr. Fuller	County of Dundee	50	52
47	Mr. Fuller	Weights and Measures	50	72
48	Mr. Bidlake	Warehouses	51	52
49	Mr. Bisbee	Sale Under Execution	51	52 180
50	Mr. McCormack of Grand Forks	Constitutional Amendment	51	52
51	Mr. Kinter	Live Stock Lien	51	72 192
52	Mr. Cashel	Amending Constitution	51	72
53	Mr. Miller	County Judges	51	72
54	Mr. Weiser	Joint Resolution and Memorial	51	73
55	Mr. McGillivray	Branding Live Stock	52	73
56	Mr. Ink	Warehouses	52	73
57	Mr. Ink	Repealing an Act	52	73
58	Mr. Haggart	Agricultural College	52	73

SENATE BILLS.

Number.	Reported.	Third Reading.	Amendments.	Passed.	Lost.	Received from House.		Subsequent Action.	Executive Approval.
						Amended.	Unchanged.		
1	82	41		42					82
2	82 156	88		88 157		142		116	88
3	82	82	88 156	84		142		156	174
4									
5									
6	286	319	286 319	320			575	581	
7									
8									
9	81	54		54			161	181	
10	154	159		159			540		
11	100	104		104			256	272	257
12	170	222	170 222	222	381		381		
13	147	188	147						
14									
15	156 415	440	440 441	441			600		
16									
17	82	88	82	88			70	101	189
18	120 169	141 189	120 169 189 247	250			514	542	
19	59	74	74 75	75			272	325	359
20									
21	81	83		83		78		81 102	112
22	148 211	283	211 290		376				
23	148	160			160				
24	100	113	100	113			553		
25	99	114		114		289		313 372	398
26	148 253 280	336	280		419			539	
27									
28	178	189		189			246		
29									
30	50	53		53			70	76	
31		183		183			559	584	
32	99		99						
33	96 180	162	96 163 180	221		562			
34									
35	149	197		198			515	528	
36	149	236	149 236	236	526		526	565	
37	120	140	120	140			424	444 495 503	
38									
39	59	75	59	76				183	
40	148	188			188				
41	210	288	210	288			600		
42									
43	241			305		377			
44	268				503				
45	391	508							
46	92	181	92	181		316		367 372	398
47	108	464		464					
48	295	402	295 402	402	521		521		
49	107	117		117			404		
50	140 288	189		228					
51									
52	208	278		278			514	528	
53	191				356				
54									
55	120	143	120	143	433		433	108 326	
56	100	106	100	132			289	516 565	
57	121	140	121	140		515			
58									
59	202	224	202	225			361	372	429

## SENATE BILLS—Continued.

Number.	Introduced by	Relating to	Introduced.	Committed.
59	Mr. Johnson of Traill	Normal School	68	78 202
60	Mr. Engle	Soldiers' Home	69	73
61	Mr. Weiser	Normal School	69	73
62	Mr. Cashel	Exemptions	69	73
63	Mr. Cashel	Homestead	69	74
64	Mr. Lowry	Live Stock	69	74
65	Mr. Little	Appropriation for Penitentiary	69	74
66	Mr. Fuller	Appropriation for Insane Asylum	71	83
67	Mr. Pinkham	Amending an Act	71	83
68	Mr. Svensrud	County of Church	72	83
69	Mr. Miller	Prairie Fires	72	83 192
70	Mr. Worst	Public Schools	72	84
71	Mr. Bjorgo	Common Carriers	82	95
72	Mr. Miller	Reform School	82	95
73	Mr. Cashel	School Lands	82	95
74	Mr. LaMoure	State Bonds	82	95
75	Mr. Kinter	Mortgaging Crop	82	95
76	Mr. Johnson of Ward	Attaching Certain Counties to Ward County	82	95
77	Mr. Little	Taxes of 1890	82	95 113
78	Mr. Palmer	Fort Totten	83	95
79	Mr. Arnold	Practice of Medicine	83	104
80	Mr. Worst	Garnishment	83	104
81	Mr. Bidlake	Live Stock Lien	83	104
82	Mr. Worst	Prairie Fires	83	104 192
83	Mr. Cashel	Veterinary Practice	101	111
84	Mr. Arnold	Clerks of District Courts	101	111
85	Mr. McCormack of Grand Forks	Justice Court	101	111
86	Mr. McCormack of Grand Forks	Justice Court	101	111
87	Mr. McCormack of Grand Forks	Justice Court	101	111
88	Mr. Miller	County Warrants	102	111
89	Mr. Bisbee	Exemptions	102	111
90	Mr. Brynjolfson	Usury	102	111
91	Mr. Worst	Detective Agencies	102	111
92	Mr. Haggart	Amending an Act	105	105
93	Mr. McCormack of Grand Forks	Salaries of Members and Employees	105	105
94	Mr. Kuhn	Amending an Act	110	120 179
95	Mr. Kuhn	Amending an Act	110	120
96	Mr. Cashel	Amending an Act	110	120
97	Mr. Haggart	Clerk Hire for State	110	130 165
98	Mr. Haggart	Salaries of State Officers	110	120
99	Mr. McCormick of Ramsey	Deaf and Dumb Asylum	112	112
100	Mr. Palmer	School Lands	112	112
101	Mr. Haggart	Appropriation for Firemen's Tournament	112	112
102	Mr. Cashel	Stock Indemnity Fund	114	114
103	Mr. Little	Amending an Act	114	114
104	Mr. Svensrud	Revenue and Taxation	129	129
105	Mr. Svensrud	County Courts	129	129 216
106	Mr. Kinter	Liability of Railroad Companies	130	130 267
107	Mr. Ink	Bounty on Potato Starch	130	130
108	Mr. Little	Per Diem to Certain Persons	132	132
109	Mr. Cashel	Justices' Code	139	152
110	Mr. Cashel	Register of Deeds	139	152
111	Mr. Palmer	Election Precincts	139	152 225
112	Mr. Little	Sixth Judicial District	139	152
113	Mr. Haggart	Appropriation for Firemen's Tournament	139	152
114	Mr. Worst	Library for State Superintendent	145	150
115	Mr. Arnold	Illuminating Oils	150	150
116	Mr. Engle	Safety Couplers	150	158 463

## SENATE BILLS—Continued.

Number.	Reported.	Third Reading.	Amendments.	Passed.	Lost.	Received from House		Subsequent Action.	Executive Approval.
						Amended.	Unchanged.		
59	202	225	202	225			404		
60	203	226	203	226			361	372	429
61	206	226	206	226			401	417	467
62	137	152			153				
63	137	153	137		153				
64	191								
65	203	227	203 227	227		362		362 372	429
66	206	228	206 228	228		362		363 397 446	467
67									
68	99	116	116	116		256		271 325	350
69	192								
70									
71	168	187	168 187	187			559	583	
72	206	228	206	229			404		
73	120		120						
74	232	344	232	344			581	557	
75	200	407	408	409			600		
76	99	131		131		256		271 326	350
77									
78	99	133		134			27		
79	311								
80	193	356		357			600		
81	190	338	191	338			600		
82	192								
83	155	188							
84									
85	149	343	149	343			540		
86									
87									
88	178	198		198			586	326 354 557	
89	156	344	156	344			600		
90	329	406		406			559	594	
91	120	142		142					
92	108	118		118			246	253	258
93									
94	112	115		115		161		167	174
95	178								
96	179								
97	168	357	168	357			559	593	
98	146 180	163	163 180 185	187			316	327 331	359
99	146	165		165			861	372	429
100	204	229	204	229			361	372	429
101	155	200	155	200		362		379 445	467
102									
103	147	160	147	160			564		584
104	311	464			464				
105	198 218	215	198 215 218 237 306	306	515		515		
106	147 450	387	147 450		462				
107	209	342	209	342			537	557	
108	495	501			501				
109	284	459	284	459			559	584	
110	287	442	287 443	443			600		
111	253 286	308		308	537		537		
112									
113	393	416	416	416			600		
114	476	501		502			598	597	
115	233	274	274	275			600		
116	218	463							

## SENATE BILLS—Continued.

Number.	Introduced by	Relating to	Introduced.	Committed.
117	Mr. Engle .....	Benevolent and Charitable Institutions .....	151	158
118	Mr. Bisbee .....	Civil Suits .....	151	158
119	Mr. Little .....	Terms of Sentence .....	151	158
120	Mr. Bidlake .....	Amending an Act .....	151	158
121	Mr. Bidlake .....	Amending an Act .....	151	158
122	Mr. McGillivray .....	Marks and Brands .....	151	175
123	Mr. Cashel .....	Common School Lands .....	151	151
124	Mr. McCormick of Ramsey .....	Corporations .....	158	175
125	Mr. Worst .....	Public Schools .....	158	197
126	Mr. McCormick of Ramsey .....	Shipment of Live Stock and Grain .....	174	174
127	Mr. Haggart .....	School District Indebtedness .....	175	175
128	Mr. Kinter .....	Bridges .....	175	175
129	Mr. Haggart .....	County Judges .....	182	182
130	Mr. Miller .....	Register of Deeds .....	182	182
131	Mr. Haggart .....	Military Department .....	182	182
132	Mr. Worst .....	Education .....	182	182
133	Mr. Svensrud .....	Public Printing .....	182	182
134	Mr. Haggart .....	Mortgaged Property .....	197	197
135	Mr. Svensrud .....	Relief of Destitute Persons .....	197	197
136	Mr. Patch .....	Stock Indemnity .....	197	197
137	Mr. McCormack of Grand Forks .....	University of North Dakota .....	199	199
138	Mr. McCormack of Grand Forks .....	University of North Dakota .....	199	199 408
139	Mr. Svensrud .....	Statistics .....	199	199
140	Mr. Ink .....	Academy of Science .....	214	214
141	Mr. McCormick of Ramsey .....	Deaf and Dumb School .....	214	214
142	Mr. Svenningsen .....	Nelson County .....	214	214
143	Mr. Brynjolfson .....	Personal Injuries .....	214	214 408
144	Mr. Palmer .....	Amending an Act .....	214	215
145	Mr. Johnson of Traill .....	County Judges .....	215	215
146	Mr. Haggart .....	Agricultural College .....	220	220
147	Mr. Nelson .....	Minor Normal School .....	220	220
148	Mr. Kuhn .....	Irrigation .....	220	221
149	Mr. Lowry .....	Boards of Health .....	225	225
150	Mr. McGillivray .....	County Boundaries .....	225	225
151	Mr. Bidlake .....	Assessments .....	225	225
152	Mr. Bjorgo .....	Clerks of District Courts .....	246	246
153	Mr. Haggart .....	Guaranty Companies .....	247	247
154	Mr. Little .....	Neglect of Officers .....	247	247
155	Mr. Miller .....	Statistics .....	247	247
156	Mr. Almen .....	Homestead .....	247	247
157	Joint Committee on Stock .....	Contagious and Infectious Diseases .....	255	255
158	Mr. Cashel .....	Amending an Act .....	255	255
159	Mr. Little .....	Stock Indemnity .....	255	255
160	Mr. Bisbee .....	County Officers .....	255	255
161	Mr. Johnson of Traill .....	Regulating Appeals .....	255	255 370
162	Mr. Patch .....	Court Records .....	255	255
163	Mr. Kinter .....	Seed Grain .....	255	255
164	Mr. Haggart .....	World's Fair .....	255	255
165	Mr. Svensrud .....	Seed Grain .....	255	255
166	Mr. LaMoure .....	Homesteads .....	273	273
167	Committee on Prairie Fires .....	Prairie Fires .....	273	273
168	Mr. Johnson of Traill .....	Railroad Taxation .....	273	273
169	Mr. Arnold .....	Publication of Session Laws .....	273	273
170	Mr. Arnold .....	Repealing an Act .....	307	317
171	Mr. Bisbee .....	Mortgaging Crops .....	307	317

## SENATE BILLS—Continued.

Number.	Reported.	Third Reading.	Amendments.	Passed.	Lost.	Received from House,		Subsequent Action.	Executive Approval.
						Amended.	Unchanged.		
117	242	387		387	526		526	565	
118									
119	179	261	179	261			600		
120									
121	179	200	213	213					
122	268	398	268 394	394			552	565 573	
123	208	234	208 234	235	521		521	521 573	
124	240	348	240 348	348			584	583	
125	208	258	208	258			381	503	
126	392	435	392 437	437			514	583	
127	208	237		238				557	
128	412	424	424	424			600	425	
129	200				422				
130	329	560	560	560			600		
131	204	231		231			378	326 327	334
132	206	438		438	526		526		
133	266	431		431			559	583	
134	284	338	284	341	531		531		
135	353	382	382	382			537	557	
136	476	202			502				
137	242	261	242	261			361	372	429
138	241	463							
139	236		297				562	589	
140	219	239		239			404		
141	242	262	242	262			362	372	429
142									
143	298	463							
144									
145	267	460	267	460			600		
146	243	259		260			316	331	358
147	241	262		262		531		532 565	
148	269	304		304			514	565	
149	238	347		347			600		
150	252	275	252 275	275			600		
151									
152									
153	310	336	310	342	546		546	573	
154	233	339	284 340	340			559	573	
155	233	402		403			600		
156	329	388							
157	311	364	364		515		516	516 557	
158	294	344		345	521		521	357	
159	476	508			508				
160	390	422			422			557	
161	473	473		474			531	557	
162	235	460	235	460			600		
163	269	306		305			553	565	
164	476	500		500			575	584	
165									
166	266	388	266	388			564	590	
167	285	320	320	321			559	584	
168	294	467	471		491				
169	355	384		397	384 546		546	397	
170	355	380		360				540 557	
171									



## SENATE BILLS—Continued.

Number.	Introduced by	Relating to	Introduced.	Committed.
172	Mr. Worst.....	Deaf and Dumb Institute.....	307	317
173	Joint Committee on Sheep Husbandry.....	Sheep Inspection.....	307	317
174	Mr. Cashel.....	Boiler Inspection.....	307	317
175	Mr. Pinkham.....	Noxious Weeds.....	307	317
176	Mr. Almen.....	Adultery.....	307	317
177	Mr. McCormick of Ramsey.....	Elections.....	318	318
178	Election Committee.....	Elections.....	312	318
179	Mr. Haggart.....	Amending an Act.....	318	318
180	Mr. McCormack of Grand Forks.....	Boiler Inspection.....	318	318
181	Mr. Cashel.....	Constitutional Amendment.....	319	319
182	Mr. Cashel.....	State Taxes.....	346	346
183	Mr. Ink.....	Amending an Act.....	346	346
184	Mr. Ink.....	Amending an Act.....	346	346
185	Mr. Pinkham.....	Amending an Act.....	346	346
186	Mr. Johnson of Traill.....	Normal School.....	346	346
187	Mr. Little.....	Amending an Act.....	355	355
188	Mr. Kuhn.....	Railroad Corporations.....	355	355
189	Mr. Little.....	Amending an Act.....	355	355
190	Mr. Kinter.....	Qualification of Electors.....	380	380
191	Mr. Little.....	Regulating Appeals.....	380	380
192	Mr. Svensrud.....	Public Printing.....	406	406
193	Mr. Bisbee.....	Amending an Act.....	414	414
194	Mr. LaMoure.....	Apportionment.....	414	414
195	Committee on Wo- man Suffrage.....	Woman Suffrage.....	414	414
196	Mr. Ink.....	Adoption of Children.....	422	422
197	Mr. Lowry.....	Usury.....	426	426
198	Mr. Kinter.....	Hospital for Insane.....	424	424
199	Mr. Little.....	Duties of President pro tem. of Senate.....	444	444
200	Mr. Kinter.....	Licensing the Sale of Poisons.....	455	455
201	Mr. Almen.....	Agricultural College.....	455	455
202	Mr. Worst.....	Independent School Districts.....	477	477
203	Mr. McCormack of Grand Forks.....	Assessment and Collection of Taxes.....	477	477
204	Mr. Engle.....	County Commissioners.....	504	504
205	Mr. Almen.....	Guardian for Farmers.....	504	504

## SENATE BILLS—Continued.

Number.	Reported.	Third Reading.	Amendments.	Passed.	Lost.	Received from House		Subsequent Action.	Executive Approval.
						Amended.	Unchanged.		
172	324	335	337	337			417	420	429
173	373	385	373	395			514	565	
174	330	417	330	418	531		531		
175	391	441	391	442	521		521		
176	391	420	391		421				
177	415								
178	399	431	431	432	526		526	573	
179	378	402	378	402	521		521	542	
180									
181	412	438		438					
182	396	419		419	521		521	542	
183	356 377	358	356 377 396	396			552	565	
184		139		140			600		
185	373	442		442			514	542	
186		384		384			501	508	555
187	396	441		441	521		521		
188	450	462							
189	393	420		420			559	584	
190	415	444	457	457			564	583	
191	413	442	413	442		559		573	
192									
193									
194	452								
195	476	481		483			600		
196	456	490		481			575	590	
197	435	505	435 505	505					
198	453	499	453	499			600	607	
199	452	462		462	521		521	542	
200	436	502			502				
201	474	500			501				
202	436	504		504					
203									
204									
205									

## HOUSE BILLS.

Number.	Relating to	Received.	First Reading.	Committed.	Reported.	Third Reading.	Amended.	Passed.	Lost.	Subsequent Action.
6	Oil Inspection .....	188	244	244	269	.....	.....	.....	.....	.....
8	Code of Procedure .....	289	321	321	.....	.....	.....	.....	.....	.....
9	Wool Markets .....	161	175	176	.....	365	365	365	.....	388 401
11	County Treasurers .....	424	.....	.....	428	520	.....	530	.....	565
12	Admission of Attorneys .....	161	175	175	254	.....	.....	.....	.....	543 572
15	Tax Sale Records .....	70	84	84	193	284	284	.....	.....	.....
20	Practice of Pharmacy .....	78	135	135	155	895	.....	.....	895	.....
21	Railway Crossings .....	211	244	244	285	488	325	.....	.....	.....
22	Bounty for Wolf Scalps .....	470	478	478	486	548	.....	548	.....	572
25	Developm't of Coal Mines .....	115	135	135	324	267	324	267	336	388 501
28	Granting Land .....	53	55	55	58	63	.....	63	.....	87
29	Payment of Taxes .....	211	244	244	293	346	.....	346	.....	411 435 436 454
31	Commercial Agencies .....	161	176	176	427	553	.....	553	.....	.....
32	Marriage License .....	115	185	185	.....	.....	.....	.....	.....	.....
34	County Judges .....	252	322	322	.....	.....	.....	.....	.....	.....
37	County Courts .....	211	244	244	293	.....	294	.....	.....	.....
42	Railroad Companies .....	433	438	438	449	.....	.....	.....	.....	.....
44	State Indebtedness .....	78	88	88	92	94	.....	128	.....	108 145
45	Shipment of Stock and Grain .....	183	244	244	367	284	415	.....	.....	.....
49	Protection of Game .....	161	176	176	451	547	451	547	.....	582
56	Warehouses .....	488	512	512	.....	.....	.....	.....	.....	.....
58	Agricultural College .....	119	145	145	245	310	310	.....	.....	.....
60	Scandinavian Languages .....	183	245	.....	.....	.....	.....	.....	.....	.....
63	County Funds .....	458	478	478	487	523	.....	524	.....	572
64	Insurance .....	78	135	135	179	.....	.....	.....	.....	.....
65	Insurance .....	195	245	245	434	538	434	538	.....	576
67	Amendm'ts to Constitution .....	211	244	244	498	548	.....	548	.....	454
73	Protection of Public Credit .....	211	245	245	266	365	365	366	383 401 435	436
80	Convicts .....	84	88	88	93	94	.....	94	.....	102
82	Sale of Firearms to Indians .....	211	245	245	254	.....	.....	.....	.....	.....
85	State Tax Levy .....	161	177	177	283	.....	.....	.....	.....	.....
90	Amending an Act .....	256	322	322	353	522	.....	523	.....	572
94	Ramsey County .....	211	245	245	474	.....	.....	.....	.....	.....
97	Furnishing Arms to G. A. R. Posts .....	161	177	177	434	459	.....	459	.....	489
99	Legal Printing .....	161	177	177	192	303	192	303	304	.....
100	Live Stock .....	256	322	322	353	.....	.....	.....	.....	.....
101	Redemption of Property .....	370	405	405	427	538	427	538	.....	565
104	License of Physicians .....	211	245	245	422	268	472	268	472	609
105	Public Schools .....	487	512	512	310	475	396	310	.....	609
106	Seed Grain .....	252	322	322	553	608	.....	608	.....	401
111	Amending an Act .....	176	245	245	328	339	.....	339	.....	.....
113	Seed Grain .....	318	321	321	411	539	411	539	.....	572
114	Blind Asylum .....	256	322	322	328	455	.....	446	.....	489
118	Irrigation .....	196	509	509	533	578	.....	578	.....	604
121	Brands and Earmarks .....	211	245	245	534	577	.....	577	.....	.....
127	Supervision of Banks .....	480	509	509	560	.....	560	.....	.....	.....
128	Mortgages .....	272	323	323	.....	.....	.....	.....	.....	.....
129	Clerks of District Courts .....	497	517	517	549	575	.....	576	.....	582
130	Cruelty to Animals .....	458	479	479	498	590	.....	590	.....	604
132	County Auditor and Register of Deeds .....	487	508	508	534	.....	.....	.....	.....	.....
134	State Auditor and Treasurer .....	272	323	323	352	529	352	529	.....	572
135	Amending an Act .....	316	321	321	330	.....	330	.....	.....	401
136	State Officers .....	302	323	323	328	368	.....	370	.....	.....
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140	Township Cemeteries .....	488	512	512	534	.....	.....	.....	.....	.....
143	Public Schools .....	499	510	510	525	.....	.....	.....	.....	.....
145	Repealing an Act .....	421	423	423	449	598	.....	598	.....	608
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154	Elevators on Right of Way	380	405	405	459	541		541		604
155	Boiler Inspectors	421	428	428	471					
156	Amending an Act	453	439	459	472	532	472	532		572
157	Investigating Coal and Sugar Beets	486	439	439	452	551		551		581
158	Amending an Act	316	321	321	471	535	471 535	535		565
162	Code of Procedure	272	323	323						
164	Independent School Districts	433	439	439	449	540		540		572
166	Memorial to Congress	289	323	323	384	579		579		610
172	Seed Grain	381	405	405	427	456	427	456		489
173	Inspection of Oils	381	405	405	451		451			
174	Protection of Fish	381	405	405	412					
175	Noxious Weeds	380	405	405	412	544		544		565
176	Great Seal	353	405	405	450					
177	County Court	353	399	399	474	461	475	528	461	572
178	Cheese Industry	480	510	510	549					
179	Delinquent Taxes	289	322	322	386	532		532		581
180	Amending an Act	410	428	428	494					
181	Births and Marriages	458	512	512	519					
182	Firemen	421	428	428	474					
183	County Boundaries	317	321	321	324	337	337	339		340 428 454
184	Oaths on Starch	406	439	439	489					
187	Oaths and Acknowledgments	410	423	423	446		446			
189	Governor's Expenses in Indian Outbreak	333	385	385	393	393		398		
190	County Physicians	496	510	510	525					
191	Normal Schools	496	508	508	525	532	532	533		540 561 581
198	Seed Grain	458	478	478	545	593		593		608
194	Dog License	499								
195	Publication of Laws	470	478	478	485	544		544		565
197	Publication of Supreme Court Reports	433	439	439	448	537	448	537		558
198	Probating Foreign Wills	433	439	439	493					
200	Amending an Act	480	510	510	561	592		592		610
202	Flouring Mills	488	512	512	551	577			577	
203	Practice of Pharmacy	470	479	479	493					
204	Immigration	480	509	509	534	570		570		594
205	Payment of Janitor	470	479	479	494	546		546	572	
208	Amending an Act	433	439	439	446			545		565
212	Warehouses	470	478	478	494	500				608
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224	Superintendent of Irrigation and Forestry	488	511	511	514	579		579		606
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